United Nations A/HRC/28/NGO/28

General Assembly

Distr.: General
25 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Human Rights Advocates Inc., a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03523 (E)
1503523

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Methods for addressing ongoing torture

Survivors of torture throughout the world are regularly not afforded adequate remedies by state actors. By ensuring proper documentation of torture, holding perpetrators of violence accountable, and providing victims with access to legal remedies, state actors can provide survivors of torture with access to justice. This statement addresses the ongoing issue of torture by observing practices in four countries: the United States of America (U.S.), Syria, Iran, and Russia.

The Need for Documentation

In respect to the four countries mentioned above, there is a need for an impartial observance and documentation of state sponsored torture. All states must recognize the universal prohibition of torture and ill treatment under the Universal Declaration of Human Rights. This extends to "all places that the State party controls as a government authority."[1] By this definition, victims must be afforded redress against the torture experienced in Guantanamo Bay Prison, Bagram Prison, Abu Ghraib, or prisons that prevent any form of communication with the outside world, also known as black site prisons.

In the U.S., the operation of Guantánamo Bay and black site prisons hinders the implementation of policies of transparency due to the inability for prisoners to receive a fair trial and engage in any form of communication outside the prison. The recent release of the Senate's Intelligence Committee Report on CIA torture informed the global community of the emotionally and physically traumatic "enhanced interrogation" techniques performed by Americans on alleged enemy combatants.[2] The report was released twelve years after Guantánamo Bay Prison began operating in its current capacity.

U.S. personnel committed violations of both customary international law and treaties throughout the twelve years of the prison's operation. As a party to the Convention Against Torture, the U.S. violated its obligations by utilizing torture methods that included sensory deprivation, waterboarding, and sexual abuse.[3] Actors in the George W. Bush Administration played a vital role in the operation of the prison and have yet to be held accountable for their violations of international law.

In Syria, torture is a regular practice employed by the Assad government.[4] Hafiz el Assad and Bashar el Assad's current government have and continue to torture their citizens, whether or not the victim has been afforded due process. Opponents of the Assad government are illegally imprisoned without access to legal representation.[5] Occurrences such as these have substantially increased since the Syrian uprising that began in March of 2011. Testimonies of torture survivors provide evidence that amount to crimes against humanity, including systematic gender-based torture, whippings, beatings with cable sticks, and rape against the Syrian civilian population. Reports indicate that the Assad government successfully silences victims of torture through fear tactics and physical threats.[6]

In Iran, former President Mahmoud Ahmadinejad's personnel subjected prisoners to torture and inhumane treatment

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[1] "Convention Against Torture and Other Cruel, Inhuman, or Degrading Punishment or Treatment," Report of the Committee Against Torture Fifty Third Session. Available from CAT/C/USA/CO/3-5. November 3-28, 2014, Pg. 3.

[2] *Id at 2.*

[3] Gagnon, Julie Dubé, "The Case of Detainees Tortured in the Name of National Security and the 'War on Terror:' Are They Entitled to Reparations?" *Notre Dame Journal of International & Comparative Law:* Vol. 1: Iss. 1, Article 5, Page 164.

[4] "Syrian Dictator Bashar Assad Guilty of Crimes Against Humanity Says U.N. Chief…" *Daily Mail Reporter*, September 13, 2013. http://www.dailymail.co.uk/news/article-2420510/Syrian-dictator-Bashar-Assad-IS-guilty-crimes-humanity-says-UN-chief-Ban-Ki-Moon.html#ixzz3RDVlxOW0.

[5] "I Wanted to Die, Syria's Torture Survivors Speak Out." *Amnesty International*, March 2012, Pg. 36 https://www.amnestyusa.org/sites/default/files/mde240162012en.pdf.

[6] Ghattas, Kim, "Syrian Torture: Will Photos Turn U.S. Opinion?" *BBC News*, January 27, 2015, http://www.bbc.com/news/magazine-30689627.

without accountability for his actions as head of state. Victims of torture reported that Iranian authorities inflicted sexual abuse, mock executions, public lashings, and amputations, all of which are considered violations of international law.[7]

In Russia, it is reported that victims testified accounts of torture authorized under President Vladamir Putin.[8] Torture methods include beatings, being hit with rifle butts, and threats of sexual violence, suffocation, and electric shock.[9]

To adhere to their international obligation to prevent torture, government agencies must take steps to increase transparency and provide proper documentation on the condition of its prisons. The promotion of transparency is necessary to hold states accountable and provide remedies to survivors of torture.

The Need for Accountability

International law requires that alleged perpetrators of torture be prosecuted. This includes persons in positions of command in addition to those who provided "legal cover of torture" as described by the Committee Against Torture in its Fifty-Third session in November of 2014.[10]

The U.S. government has failed to investigate allegations of torture and violations of international law authorized by the Bush administration in U.S. controlled prisons.[11]

In Syria, political motivations hamper accountability, as Russia and China have blocked U.N. Security Council resolutions addressing the violent situation in Syria.[12] Regardless, this should not deter the international community in any capacity to hold the perpetrators of torture accountable in each respective nation.

States have a duty to increase their efforts to end any violations of international law committed by military personnel who have disobeyed commands and committed human rights abuses. Governments should implement a prompt and impartial investigation of sexual violence and other torture methods committed by military or prison personnel. Witnesses and survivors must be interviewed and shielded from any form of intimidation or retaliation.

Torture committed during times of public emergencies or in the name of national security interest does not overrule the universal prohibition against torture. A state's justification of torture for purposes of national security cannot counteract the obligations provided by the International Covenant on Civil and Political Rights or CAT.[13]

Holding states accountable for crimes of torture will undoubtedly assist victims in accessing remedies.

Providing Remedies for Survivors of Torture

States must take appropriate measures to identify and reduce the duration of pretrial detention, especially those held

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[7] "Torture in Iran Since the 2009 Election" *Freedom From Torture Country Reporting Programme*, March 2013. file:///Users/iran_report_A4___FINAL_web_615545737.pdf.

[8] Shuster, Simon, "Putin's Secret Agents," *Times*, http://time.com/putin-secret-agents/.

[9] "Torture in Russia: 'Torture is a Traditional Component of Proof,'" *Amnesty International*, June 27, 2013, http://www.amnesty.org/en/news/torture-russia-torture-traditional-component-proof-2013-06-27.

[10] Supra at 5.

[11] "United States: Investigate Bush, Other Top Officials for Torture" *Human Rights Watch*, July 11, 2011, http://www.hrw.org/news/2011/07/11/united-states-investigate-bush-other-top-officials-torture.

[12] "Referral of Syria to International Criminal Court Fails as Negative Votes Prevent Security Council from Adopting Draft Resolution," Security Council 7180th Document Meeting, May 22, 2014, http://www.un.org/press/en/2014/sc11407.doc.htm.

[13] "Bringing the International Prohibition of Torture Home," *Redress*, January 2006 http://www.redress.org/downloads/publications/CAT%20Implementation%20paper%2013%20Feb%202006%203.pdf.

without valid legal charge.[14]

Survivors of torture must be afforded adequate rehabilitation and compensation for any psychological or physical trauma experienced.[15]

Survivors of torture should be able to share their stories without the fear of retaliation or punishment. Outlets such as Witness To Guantanamo, a project dedicated to documenting the stories of players and former detainees, should be made accessible to torture survivors.[16]

There is a need for an impartial investigation of all potential occurrences of torture in order to gather evidence for future prosecutions of heads of state. By implementing fact-finding missions in each respective nation, a prompt investigation of systematic, widespread, and grave violations of human rights can be accomplished. State sponsored bodies are necessary to facilitate the investigation during this crucial process.[17]

Recommendations

Human Rights Advocates urges:

1. The Human Rights Council:
   a. To request that the Special Prosecutor and Security Council authorize the prosecution of former persons responsible for authorizing torture at the International Criminal Court;
   b. Continue the Commission of Inquiry on Syria and consider using Commissions of Inquiry with respect to other countries with a history of ongoing torture.[18]
2. State Parties:
   a. With a record of ongoing torture to permit the U.N. Special Rapporteur on torture to visit respective prison facilities. The Special Rapporteur should be given full access to the detainees in order to ensure proper documentation of torture.[19]
   b. To prosecute crimes against humanity in their national courts.

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[14] Supra at 6.

[15] Gagnon, Julie Dubé "The Case of Detainees Tortured in the Name of National Security and the 'War on Terror:' Are They Entitled to Reparations?," *Notre Dame Journal of International & Comparative Law*: Vol. 1: Iss. 1, Article 5, Page 165.

[16] "Witness to Guantanamo," Hongisberg, J. Peter, http://witnesstoguantanamo.com.

[17] Supra at 6.

[18] "Independent International Commission of Inquiry on Syria," United Nations Human Rights, OHCHR, http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/IndependentInternationalCommission.aspx.

[19] *Id.*

United Nations A/HRC/28/NGO/29

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GE.15-02898 (E)
1502898

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The Plight of Unaccompanied Migrant Children

Following HRC Resolution 25, which addresses barriers to justice for asylum-seeking, refugee and unaccompanied migrant children, Human Rights Advocates calls attention to the surge of Central American and Mexican unaccompanied minors and their mistreatment both in their home countries and at the United States border. Addressing this issue will be a step toward better investment in the rights of the child.

The first concern regards situations in the sending countries. More than 67,000 unaccompanied minors arrived in the U.S. during 2014, over 50,000 came from Central America.[1] The Northern Triangle countries of Guatemala, El Salvador, and Honduras experience a multitude of problems forcing children to leave their home countries in search of safety. Powerful criminal organizations contribute to violence and intimidation, which they use to further political and economic interests. Mexican drug cartels and transnational gangs carry out lethal attacks against rivals and those who defy their control, such as children who resist gang recruitment. Honduran child migrants are from some of the most violent regions in the world; in 2012 Honduras's murder rate was 90 per 100,000, the highest in the world.[2] State institutions are unable or unwilling to control the violence and influence of organized gangs. These institutions are further weakened by gang infiltration and intimidation. In Guatemala, 98 percent of crimes do not result in prosecutions.[3] Because gangs have appropriated much of Central American territory and authorities are unable to curb the violence, children affected by gang violence are almost always forced to leave the region.

Although gang violence and the culture of criminal impunity in Northern Triangle countries accounts for a large portion of forced displacement, poor economies are another factor pushing children to the U.S. Overall, Guatemala, El Salvador, and Honduras are among the poorest nations in Latin America with 26 percent, 17 percent, and 30 percent of their people living on less than $2 a day.[4]

Gang violence and crime rates in Central America may grab headlines but there are also increased numbers of unaccompanied minors migrating north from Mexico. In 2013, U.S. Border Patrol apprehended over 17,000 Mexican children. Mexico's drug-war-torn states have disturbing levels of crime and violence. UNICEF reports that the murder rate of underage Mexican boys more than doubled between 2007 and 2011.[5] The UN High Commissioner for Refugees (UNHCR) found that 59 percent of Mexican minors apprehended crossing into the U.S. cited violence as one reason for leaving home.[6]

Governments in the Northern Triangle and Mexico need to do more to curb the influence of and prosecute criminal offenders. Criminal justice systems need to be rid of corruption and gang infiltration and the culture of impunity must be changed. Although these governments must do more to protect their citizens, U.S. influence on Central American gang culture cannot be ignored. For more than a decade, American street gangs have been spreading to Central America. U.S. immigration agencies have rounded up and deported thousands of criminal immigrants; in the last 12 years, U.S. immigration authorities have logged over 50,000 deportations of immigrants with criminal records to

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[1] U.S. Customs and Border Protection, *Southwest Border Unaccompanied Children: Unaccompanied Alien Children Encountered by Fiscal Year* http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children

[2] *DHS: Violence, Poverty, is Driving Children to Flee Central American to U.S.*, Pew Research Center (July 1, 2014) http://www.pewresearch.org/fact-tank/2014/07/01/dhs-violence-poverty-is-driving-children-to-flee-central-america-to-u-s/

[3] Human Rights Watch, World Report 2013: Guatemala (2013)

[4] *DHS: Violence, Poverty, is Driving Children to Flee Central American to U.S.*, Pew Research Center (July 1, 2014)

[5] UNICEF, *Mexico: Country Programme Document 2014-2018* (February 6, 2014)

[6] UNHCR, *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection*

Central America, including numbers of gang members.[7] These deportations create a revolving door of gang members between the U.S. and Central America. Many deported gang members will return to Central America, help their gang achieve wider influence and power, then return to the U.S. until they are apprehended and deported again. This deportation policy aimed originally at breaking up U.S. street gangs has ultimately helped spread gangs across Central America. The U.S. must take responsibility for the effects of this policy and recognize the obligation to assist Central American countries to fight against gang violence.

The second concern regards the treatment of unaccompanied minors at the U.S. border. The mistreatment of unaccompanied minors at the border manifests in several ways. First, U.S. immigration policy is discriminatory toward Mexican children migrants. The Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) aims to protect foreign nationals who are victims of trafficking or violence and flee to the U.S. Under this law, Central American children apprehended at the border are transferred to the Office of Refugee Resettlement (ORR), where they receive shelter and await their immigration hearing. In contrast, the law deprives minors from contiguous countries of getting these same rights. In practice Mexican children are most harshly affected by this distinction. When Border Patrol agents apprehend Mexican children entering the U.S. they screen them on the spot and have 48 hours to get them out of Border Patrol custody. Within that timeframe the TVPRA states that agents must ascertain three things before deporting a Mexican child: (1) they aren't victims of trafficking, (2) they don't have a credible fear of returning home, (3) they are able and willing to voluntarily return to Mexico.[8] If the answer to any of those points is unclear, the child must be transferred to ORR and into the same process as all other unaccompanied children. Though this system may seem fair on paper it is discriminatory in practice. A UNHCR evaluation of U.S. Customs and Border Protection's screening of unaccompanied Mexican children found a bias against recognizing their need for protection and noted that these children are almost always returned to Mexico and that many Border Patrol agents were under the impression that Mexican children are automatically deported.[9] In 2013, only 4.5 percent of the over 17,000 Mexican children apprehended by Border Patrol were transferred to ORR custody.

This current scheme is discriminatory. Authority to screen Mexican children should be transferred to ORR or another agency equipped to deal with trauma and vulnerable children, and ensure that legal representation is provided. Border Patrol's primary goal is to stop the illicit flow of goods and people into the country, the nature of their work means agents are usually intimidating and sometimes have forcefully apprehended the children they end up screening. The screeners do not know how to ask about abuse or trafficking and most interviews are conducted in a public environment that children find threatening.[10] Under these conditions it is unsurprising that Mexican children never have a chance to tell their stories and seek protection.

Second, unaccompanied minors are often transferred to detention centers or holding cells in violation of international and domestic standards. Detention cannot be justified solely on the basis of the child being unaccompanied or separated, or on their migratory or residence status.[11] Unaccompanied children in detention are subject to brutal conditions including but not limited to, freezing concrete rooms with constant artificial light, lack of adequate food, sleep deprivation, and no contact with family or legal services. Unaccompanied children are also often detained much longer than the 72-hour limit set by U.S. guidelines.[12]

Finally, unaccompanied minors with credible fear of returning home are too often deported. In fulfilling obligations under the Convention on the Rights of the Child, states shall not return a child to a country where there are substantial

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[7] Robert J. Lopez, Rich Connell, Chris Kraul, *Gang Uses Deportation to its Advantage to Flourish in the U.S.*, LA Times (October 30, 2005) http://www.latimes.com/local/la-me-gang30oct30-story.html#page=1

[8] William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457 (2008)

[9] UNHCR, *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection*

[10] Washington Office on Latin America, *Forgotten on La Frontera: Mexican Children Fleeing Violence are Rarely Heard* (January 22, 2015)

[11] U.N. Comm. on the Rights of the Child, General Comment No. 6, ¶ 18, CRC/GC/2005/6 (Sept. 1, 2005).

[12] El Pilkington, *Migrant Children Endure Border Patrol Ice Boxes*, The Guardian (January 26, 2015) http://www.theguardian.com/us-news/2015/jan/26/migrant-children-border-patrol-ice-boxes

grounds for believing that there is a real risk of irreparable harm to the child.[13] Unaccompanied minors from Mexico and Central America are fleeing brutal violence and have substantial fear of returning home. Through proper investigation techniques, age and gender appropriate environments, and therapeutic training immigration officials will be able to ascertain candid statements from child migrants. These statements must be taken seriously if they indicate a credible fear of return and these children must not be deported.

HRA asks the HRC to urge state parties:

1. To follow the dictates of HRC Resolution 25 by transferring the screening of unaccompanied children from border patrol to an agency with expertise in child welfare, developing proper screening protocols and ensuring that interviews are conducted in private non-threatening environments, and providing children with legal representation.
2. To protect children in the countries of origin by abolishing the culture of impunity for gang violence and implementing independent and impartial judicial mechanisms.

[13] *Supra* note 11.

United Nations A/HRC/28/NGO/30

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GE.15-02913 (E)
1502913

Please recycle

Mega-Events and the Right to Housing

I. Introduction

Mega-events such as the Olympics and FIFA World Cup are often breeding grounds for violations of the right to adequate housing. Forced evictions and other actions have violated the rights of people in host communities, with the majority of the violations committed against people living in poverty and indigenous peoples. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living has issued a major report on this topic,[1] and the Human Rights Council (HRC) addressed these issues through resolutions.

In 2010, the HRC passed a resolution on adequate housing as a component of the right to an adequate standard of living, in the context of mega-events.[2] The resolution called upon governments to "integrate housing concerns into the bidding and planning process at an early stage and, in this regard, to assess the impact on the affected population throughout the process," and "to explore alternatives to evictions and to undertake any such evictions as may be necessary in accordance with the domestic legal framework and in full compliance with the relevant provisions of international human rights law, including those for adequate and effective remedies."[3]

In 2014, the HRC adopted another resolution which reinforced their apprehensions regarding housing.[4] It expressed deep concerns and called upon governments "to give due consideration to the human right to adequate housing as a component of the right to an adequate standard of living, and to issues related to universal access to decent and sustainable housing in the elaboration of the post-2015 development agenda."[5]

Despite these positive measures, evidence shows that countries continue to violate these principles when hosting mega-events. In addition to these resolutions, the Guiding Principles on Business and Human Rights provide a framework for protecting the right to adequate housing, both by states and private actors, in the context of mega-events. There is evidence of recent and present human rights abuses which must be remedied, and work must be done to prevent future violations.

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[1] Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, A/HRC/13/20 (18 Dec. 2009).

[2] Adequate housing as a component of the right to an adequate standard of living, in the context of mega-events, A/HRC/RES/13/10 (14 Apr. 2010).

[3] *Id.*

[4] Adequate housing as a component of the right to an adequate standard of living , A/HRC/RES/25/17 (14 Apr. 2014).

[5] *Id.*

II. Recent events

A. Greece

Athens hosted the Olympics in 2004 and, there, Roma people were evicted from their settlements, and homelessness was exacerbated[6] by construction for the 2004 Olympic Games.[7] In 2002, local government officials signed an agreement which stipulated that families that left their homes would receive subsidies to help them temporarily rent alternative accommodations and that the municipality would then permanently relocate and re-house them. Instead, the municipality forced new conditions on the Roma that were not part of the agreement, delayed payments for their subsidies, and failed to fully adhere to its obligations under the contract.[8]

However, Greece also exhibited one positive use for Olympic infrastructure after the mega-event. Athens turned the Olympic Village into affordable housing for people from low-income families, who were assigned housing based on a national lottery. This new community included a health clinic, schools, bus lines, and other infrastructure.[9]

B. Brazil

When Brazil hosted the World Cup in 2014, families in host cities were forced out of their homes without adequate notice, there was a lack of prior consultation with those affected, and adequate alternative housing or legal remedies were not provided. Thousands of people were forcefully evicted, particularly from low-income communities and favelas, to make room for luxury high-priced housing.[10] Brazil must prevent similar abuses in preparation for the 2016 Olympics.

Reports from Amnesty International show that people have been forcefully evicted from their homes in Rio de Janeiro, again without prior notice or consultation, entire communities are fighting imminent eviction, and local businesses have been forced out. Construction projects for infrastructure such as stadiums and bus lines, as well as the modernization of the port, have already involved substantial violations, according to independent research by local

[6] Helen Jefferson Lenskyj, *The Olympic Affordable Housing Legacy and Social Responsibility*, *available at* http://library.la84.org/SportsLibrary/ISOR/ISOR2006r.pdf.

[7] UN Committee on Economic, Social and Cultural Rights (CESCR), *UN Committee on Economic, Social and Cultural Rights: Concluding Observations: Greece*, 7 June 2004, E/C.12/1/Add.97, *available at* http://www.refworld.org/docid/42d26c904.html

[8] *Greece: Preparing for the Olympic Games – Evicting the Roma*, Amnesty International (July 2004), *available at* http://www.amnesty.org/en/library/info/EUR25/004/2004/en.

[9] Violet Law, *A Problem of Olympic Proportions*, Summer 2006, *available at* http://archive.clamormagazine.org/issues/37/economics.php.

[10] Andrea Dip, *Brazil's 2014 World Cup: Rights Abuses Revealed in Report*, Huffington Post (Dec. 14, 2011), *available at* http://www.huffingtonpost.com/2011/12/12/brazil-world-cup-abuses_n_1143905.html.

NGOs and international organizations.[11] Authorities there must stop the pattern of abuse by consulting with the local affected populations, ending forced evictions, and providing safeguards and remedies where evictions do occur.

C. Qatar

Qatar will host the World Cup in 2022, and human rights violations are already evident. According to a recent report by the Human Rights Watch, the laborers who are among the workforce preparing for the event face sub-standard and dangerous housing conditions.[12] Migrant workers comprise 94% of the workforce, and most live in labor camps and are vulnerable to human rights violations. While local regulations set high standards for their living conditions, these regulations were shown to have been violated in all six of the labor camps that Human Rights Watch visited. Overcrowding and unsanitary conditions were rampant.[13] Authorities in Qatar must ensure that adequate housing conditions are provided for these laborers, and prevent any forced evictions and other abuses to local populations ahead of the 2022 World Cup.

D. Russia

Forced evictions and other housing rights violations were also evident in Russia before and after the 2014 Sochi Olympics. There, Sochi residents were cut off from public transportation and their communities by the construction of roads and Olympic venues, and were not provided with adequate water or other resources to meet their household needs.[14] While some new homes were provided for Sochi residents who were displaced by construction of Olympic infrastructure, many were not consulted beforehand and were forced to relocate against their will under a law that allowed for the seizure and demolition of privately owned parcels of land in preparation for the Olympics. Residents reported inadequate compensation, harassment, and intimidation.[15]

III. Accountability for Private Actors: FIFA, the IOC, and corporate sponsors

[11] Amnesty International, *Brazil: Forced evictions must not mar Rio Olympics* (Nov. 14, 2011), *available at* https://www.amnesty.org/en/news/brazil-forced-evictions-must-not-mar-rio-olympics-2011-11-14.

[12] Human Rights Watch, *Building a Better World Cup: Protecting Migrant Workers in Qatar Ahead of FIFA 2022* (2012), *available at* http://www.hrw.org/sites/default/files/reports/qatar0612webwcover_0.pdf.

[13] *Id.*

[14] Human Rights Watch, *Russia: Olympic Construction Devastates Sochi Village* (Dec. 30, 2013.), *available at* http://www.hrw.org/news/2013/12/29/russia-olympic-construction-devastates-sochi-village.

[15] Katya Golubkova and Melissa Akin, *Sochi Olympics 2014: Construction and Forced Evictions Mark Olympic Showcase in Russia*, Huffington Post (Nov. 4, 2012), *available at* http://www.huffingtonpost.com/2012/11/04/sochi-olympics-2014_n_2070784.html.

Under their own charters and the Guiding Principles on Business and Human Rights, FIFA, the International Olympic Committee (IOC), and their corporate sponsors have a duty to carry out their mandates responsibly when they select host cities, and work with governments to protect the rights of local communities while hosting mega-events. The high demands on governments from these organizations harm local populations, and they must ensure that affected people are consulted and are part of a collaborative effort to ensure that their rights are protected. They must not be complicit in human rights abuses perpetrated in their names, and must publically and unequivocally condemn past and ongoing human rights violations in the states that host mega-events including the Olympics and the World Cup.

In 1999, the IOC adopted Agenda 21: Sport for Sustainable Development,[16] which provides some guidance. This document addresses the social and economic impacts of the Olympics. It defines sustainable development as the need for "economic, social, and political development particularly geared to the benefit of the poorest members of society," and includes boosting housing strategies among the goals identified. The IOC should update this document to reflect current housing concerns, and make it binding.

IV. Recommendations

Human Rights Advocates (HRA) requests that the Human Rights Council:

1) Urge the Working Group on Business and Human Rights to include FIFA and the IOC in its discussions;
2) Urge the Special Rapporteur on the Right to Housing to monitor the topic of mega-events as they relate to the right to adequate housing; and
3) Continue to include the impact of mega-events on the right to housing in their resolutions and reports, and to urge governments to affirmatively protect this right.

HRA also urges FIFA and the IOC to engage in practices that protect the right to housing for communities impacted by their mega-events. This includes working with national and local governments to protect the rights of their communities while hosting mega-events, and using human rights standards as a benchmark for determining host cities.

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[16] Agenda 21: Sport for Sustainable Development (1999), *available at* http://www.olympic.org/Documents/Reports/EN/en_report_300.pdf.

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GE.15-02928 (E)
1502928

Please recycle

Detention of Unaccompanied Minors in Private Facilities

Background

Many Latin American children are entering the United States (U.S.) through Mexico to escape violent situations faced at home. Children in the Americas experience high levels of homicide, lack of opportunities, widespread use of arms, organized crime, gangs, and a culture of impunity.[1] When these children reach the U.S. and become detained, they are often put into private for-profit immigrant detention centers, where many will continue to suffer though overt and institutional violence. This problem also exists in Australia[2] and the U.K.,[3] however this statement focuses on the U.S. situation as an example. Pursuant to the General Assembly's resolution 56/138, a study on violence against children addressed alternative care institutions and correctional detention facilities. The study found that the impact of institutionalization goes beyond the experience by children of violence, and that long-term effects can include severe developmental delays, disability, and irreversible psychological damage.[4] Private detention centers for child immigrants are neither alternative care institutions nor correctional in nature; ;hey comprise a unique set of attributes that require additional safeguards for protecting children from violence. This under-recognized distinction has contributed to the invisibility of violence endured by these children.

The Committee on the Rights of the Child has stated that detention cannot be justified solely on the basis of the child being unaccompanied or separated, or on their migratory status.[5] These children do not belong in prison-like facilities that criminalize them internally and publicly. They pose no security risk, and are especially vulnerable. They arrive to countries traumatized from the violence they are seeking to escape, and from the trauma of their journey to the border. They are being arbitrarily deprived of their liberty, in violation of the Convention on the Rights of the Child and other treaties.

The Committee Against Torture expressed concern at the recent expansion of family detention for undocumented migrant families with children in the U.S. It observed that many unaccompanied and separated children continue to be held in prison-like facilities. It also remains concerned about substandard conditions of immigrant detention facilities, use of solitary confinement, and sexual violence by staff and other detainees. The Committee asked that the U.S. halt the expansion of family detention, with a view to progressively eliminating it. [6]

Private Detention Facilities

The South Texas Family Residential Center (STFRC) is a new immigrant detention center for women and children. The U.S. Immigration and Customs Enforcement Agency has contracted the Corrections Corporation of America (CCA), the U.S.'s largest private prison company, to operate the center. CCA has a record of disregarding inmate safety and

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[1] U.N. Special Rep. of the Sec'y-Gen. on Violence Against Children, SRSG Marta Santos Pais calls for the effective protection of children from violence in the Americas (Dec. 15, 2014), http://srsg.violenceagainstchildren.org/story/2014-12-15_1201

[2] LAW COUNCIL OF AUSTL., SUBMISSION TO NATIONAL INQUIRY INTO CHILDREN IN IMMIGRATION DETENTION 2014, AUSTRALIAN HUMAN RIGHTS COMMISSION (2014).

[3] Jonathan Owen, *Immigrant children still being detained, figures show*, THE INDEPENDENT (Jan. 8, 2015), http://www.independent.co.uk/news/uk/politics/immigrant-children-still-being-detained-figures-show-9966155.html.

[4] Report of the independent expert for the United Nations study on violence against children, ¶ 16, 61st Sess., A/61/299 (Aug. 29, 2006).

[5] U.N. Comm. on the Rights of the Child, General Comment No. 6: Treatment of Unaccompanied and Separated Children Outside their Country of Origin, ¶ 18, 39th Sess., May 17–June 3, 2005, CRC/GC/2005/6 (Sept. 1, 2005).

[6] U.N. Comm. Against Torture, Concluding observations on the combined third to fifth periodic reports of the U.S., ¶ 9, 1276-1277th Sess., Nov. 20, 2014, CAT/C/USA/CO/3-5 (Dec. 19, 2014).

violating federal laws,[7] and the ACLU has reported rampant human rights violations at CCA's immigrant detention facilities.[8] Because of this record, there is concern that CCA will proceed with business as usual at STFRC.

Private immigration detention business has become a lucrative extension of the private prison industrial complex. In 2013, CCA boasted $1.69 billion in total yearly revenue and $473 million in gross yearly profit.[9] If the U.S. stopped mandatory detention of immigrants, companies like CCA would have a major financial crisis. It has been reported that they have spent millions lobbying Congress and the Department of Homeland Security (DHS) for harsher immigration laws in order to build their business and increase profits.[10] Private incarceration has resulted in the commodification of immigrants, including children. For-profit prison management fosters a ripe environment for human rights abuses that violate a number of rights, including the rights to life, health, food, and water, when CCA inevitably cuts corners to save money, the children will suffer.

Poorly maintained private facilities foster substandard living conditions that threaten the health of those in detention. The ACLU reported complaints of temperature extremes, overcrowding, facilities running out of hygiene products, and detainees being given used underwear. Food was spoiled and meager, and the water non-potable.[11] At Hutto Center, a CCA facility that was shut down in 2009, children with a skin infection were not treated until they bled from the rash. One child who was frequently vomiting was not allowed medical attention unless the staff saw the vomit.[12] Detainees experience unreasonable delays in receiving medical care and in the case of people with mental disabilities, punitive rather than care-oriented treatment is given. Lack of adequate medical care has also caused unnecessary deaths.[13]

The HRC has called upon States to ensure proper training of all persons working with children, including prison staff, immigration and border control agents, and policy writers.[14] Private prisons and detention centers are notoriously understaffed[15] and their employees inadequately trained. The ACLU reported verbal and physical abuse and retaliatory behavior from guards, including placing detainees in segregation.[16] The Organization of American States Declaration on violence and exploitation of children calls for the reduction of secondary victimization[17]—behaviors and attitudes of social service providers that are victim-blaming and insensitive, and which traumatize victims of violence who are being served by these agencies.

Normalizing Violence

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[7] Taylor Wofford, *The Operators of America's Largest Immigrant Detention Center Have A History of Inmate Abuse*, NEWSWEEK (Dec. 20, 2014), http://www.newsweek.com/operators-americas-largest-immigrant-detention-center-have-history-inmate-293632.

[8] AM. CIVIL LIBERTIES UNION, PRISONERS OF PROFIT: IMMIGRANTS AND DETENTION IN GEORGIA (2012).

[9] INVESTOR RELATIONS, CORRECTIONS CORP. OF AM., ANNUAL INCOME, http://ir.correctionscorp.com/phoenix.zhtml?c=117983&p=irol-fundIncomeA (last visited Feb. 1, 2015).

[10] Chris Kirkham, *Private Prisons Profit From Immigration Crackdown, Federal And Local Law Enforcement Partnerships*, HUFFINGTON POST (Nov. 26, 2013), http://www.huffingtonpost.com/2012/06/07/private-prisons-immigration-federal-law-enforcement_n_1569219.html.

Azadeh Shahshahani, *The 'sunk costs' of a profit-driven prison system*, ALJAZEERA (May 29, 2012), http://www.aljazeera.com/indepth/opinion/2012/05/20125261128124693 44.html.

[11] ACLU, *supra*.

[12] *Crossing the Border: Immigrants in Detention and Victims of Trafficking: Hearing Before the Subcomm. on Border, Mar., and Global Counterterrorism of the Comm. on Homeland Sec., H.R.*, 110th Cong., 110-16 (2007).

[13] ACLU, *supra*.

[14] Human Rights Council Res. 25/6, Rights of the child: access to justice for children, 25th Sess., Mar. 3-28, 2014, A/HRC/RES/25/6 (April 14, 2014).

[15] Wofford, *supra*.

[16] ACLU, *supra*.

[17] Org. of Am. States [OAS], *Declaration on violence against and exploitation of children*, 2d Plenary Sess., June 4, 2014, OAS Doc. AG/DEC. 76 (XLIV-O/14) (June 10, 2014).

Immigration charges now make up half of all federal arrests, and drug offenses rank second at 15 percent.[18] The U.S.'s 'war on drugs' normalized the prison industrial complex and violent police actions toward African Americans in urban inner cities. Now, the post-9/11 'war on terror' is normalizing the immigration industrial complex and violent police action toward Latin American immigrants at the U.S.-Mexico border; what began as a heightened focus on detaining undocumented immigrants in the interest of curbing terrorism quickly transformed into mass incarceration regardless of whether or not those being detained actually pose a threat to national security. And just as African American children have been absorbed into the former scheme, Latin American immigrant children are now within the latter. Creating immigrant detention centers meant for children normalizes and condones a framework of violence and discrimination against immigrant children. These children suffer structural violence—chronic, historically entrenched political-economic oppression and social inequality. They experience everyday violence, the daily practices of violence on a micro-interactional level: interpersonal, domestic and delinquent.[19] Normalizing this violence concurrently normalizes discrimination, in violation of Convention on the Elimination of all forms of Racial Discrimination.

Accountability and Recommendations

Accountability for violence against children in these detention centers is difficult to achieve because the actors are private businesses. However, their unique social task via government contract blurs private and State responsibility. This issue should be included in national action plans on business and human rights in efforts to implement the Guiding Principles on Business and Human Rights.

HRA recommends that the Council urge:
1. The Special Representative of the Secretary General on violence against children and relevant stakeholders to study the situation of children held in immigrant detention centers operated by private prison companies like CCA; and
2. The Working Group drafting the treaty on Transnational Corporations and Other Business Enterprises with respect to human rights to include private detention businesses in their discussions.

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[18] Mark Motivans, *Fed. Justice Statistics,* BULLETIN, Jan. 2015 (U.S. Dept. of Justice Bureau of Justice Statistics).
[19] Philippe Bourgois, *The Continuum of Violence in War and Peace: Post-Cold War Lessons from El Salvador, IN* VIOLENCE IN WAR AND PEACE 425-426 (Nancy Scheper-Hughes and Philippe Bourgois eds., Blackwell Pub., 2004).

United Nations A/HRC/28/NGO/32

General Assembly

Distr.: General
19 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Human Rights Advocates Inc., a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-02927 (E)
1502927

Please recycle

Environmental Harm Knows No Boundaries: Water Pollution, Both Here and There

I. Introduction

"Thousands have lived without love, but not one without water."[1] The simple concept that water is indispensable for human existence has become an undeniable part of international human rights discussions. Thus, given the international community's recognition that environmental degradation as a whole adversely impacts the right to water, food, life, and health,[2] it is necessary to include global water pollution of lakes, rivers, and oceans within that broader discussion.

In 2010 the General Assembly adopted a resolution recognizing that the right to safe drinking water and sanitation is a "human right that is essential for the full enjoyment of…all human rights."[3] Further, in 2011 the Human Rights Council affirmed that "the human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of…health, as well as the right to life and human dignity."[4]

The international community's emphasis on the integral role that water occupies in the realization of human rights is outspoken and clear. However, the scope of State duties regarding prevention of water pollution necessitates additional clarification. The intent of this report is to highlight the extraterritorial obligations implicated in the context of *transboundary waters* generally, as well as the duties that arise when harm is inflicted in *extraterritorial waters*.

II. The World's Transboundary and Extraterritorial Waters

The world contains 263 transboundary lake and river basins, which in the aggregate cover nearly half of the Earth's land surface.[5] Such basins include territory of 145 nations, and an additional 21 nations lie entirely within areas with a shared water source.[6] Moreover, the ubiquitous presence of transnational corporations gives way to extraterritorial activities which affect waters a long way from the country of

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[1] W.H. Auden, *First Things First* (1956).
[2] *Report of the Independent Expert on Human Rights and the Environment*, A/HRC/22/43 at para. 34 (2012).
[3] *The human right to water and sanitation*, A/RES/64/292 at para. 1 (2010).
[4] *The human right to safe drinking water and sanitation*, A/HRC/RES/18/1 at para. 1 (2011).
[5] UN Water, *Transboundary Waters: Sharing Benefits, Sharing Responsibilities* (2008).
[6] UN Department of Economic and Social Affairs, *Transboundary waters*, http://www.un.org/waterforlifedecade/transboundary_waters.shtml (24 October 2014).

origin. In order to avoid globally undermining human rights, it is important to discuss the international obligations that flow from such a complex network of the world's waterways.

a. Pollution of a Transboundary Water Source: The Danube River

Of the world's vast number of water bodies classified as transboundary, none is more expansive than the Danube River. Running through Eastern and Central Europe, an astonishing 19 countries share the Danube River Basin, which translates to over 80 million people.[7] Although pollution to this notorious waterway is far from new, a notable example is the 2010 collapse of a Hungarian dam containing toxic waste, including arsenic and mercury.[8] The collapse released 184 million gallons of contaminated mud into the Marcal River, killing at least 8 people.[9] The ecological disaster reached new proportions as the spill fed into the Danube River, which serves as a water source for millions of people.[10] Thus, the event highlighted the lack of oversight by the Hungarian government in dam-building standards as a whole, as well as the severe impact that such standards have on the right to water.[11]

b. Pollution of Extraterritorial Waters: The Gulf of Mexico

On April 20, 2010, the explosion of the Deepwater Horizon oil rig, located in the Gulf of Mexico, lead to 87 days of oil gushing from the sea floor.[12] In addition to killing 11 workers, the calamity caused 170 million gallons of oil to spill, which gravely impacted the habitat and wildlife of the region, as well as the livelihood of thousands of people.[13]

Luckily for those harmed (primarily U.S. citizens), BP has offices in the United States, which gave victims a jurisdictional basis to file thousands of lawsuits in U.S. courts against BP and affiliated

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[7] International Commission for the Protection of the Danube River, *Countries of the Danube River Basin*, http://www.icpdr.org/main/danube-basin/countries-danube-river-basin.

[8] National Geographic, *Toxic mud spill latest insult to Polluted Danube River*, http://news.nationalgeographic.com/news/2010/10/101012-toxic-spill-hungary-danube-river-water/ (12 October 2014).

[9] Id.

[10] Id.

[11] Id.

[12] New York Times, *Gulf Spill is the Largest of Its Kind*, http://www.nytimes.com/2010/08/03/us/03spill.html?_r=2&fta=y& (2 Aug. 2010).

[13] NRDC, *Disaster in the Gulf*, http://www.nrdc.org/energy/gulfspill/.

organizations.[14] The company has inevitably paid billions in damages relating to activities leading up to the spill, as well as their failure to mitigate harm thereafter.[15]

Despite BP's overwhelming liability, an issue remains as to whether Britain, the State whose laws govern the company, has obligations to both regulate BP's activity as well as hold them accountable for their human rights violations abroad. The inquiry into Britain's obligations begs the following question: What would have happened if the company *had not* had offices in the U.S., thereby shielding the opportunity of victims to seek recourse in U.S. courts? The answer is proposed in the following section.

III. Extraterritorial Obligations (ETOs) implicated in international water pollution

Given the extensive reach of water, and the globalized presence of transnational corporations, it follows that States should have a duty to prevent against extraterritorial human rights violations implicated by water pollution. However, as recognized by the Independent Expert on human rights and the environment, "[T]he application of human rights obligations to transboundary environmental harm is not always clear."[16] He cites jurisdictional disputes as one barrier for consensus, as well as the failure of human rights bodies to address ETOs relating to environmental harm.[17]

Despite these recognitions, the Independent Expert argues that the legitimacy of ETOs relating to both transboundary and extraterritorial waters is grounded in several human rights sources. Notably, the Committee on Economic, Social and Cultural Rights in General Comment 15 interpreted the ICESCR as requiring parties to "refrain from actions that interfere, *directly or indirectly*, with the enjoyment of the right to water in *other countries*."[18] Additionally, then-Special Rapporteur on the human right to safe drinking water and sanitation recently recognized that the Maastricht Principles on ETOs require States to "desist from acts…that create a real risk of nullifying or impairing the enjoyment of economic, social, and cultural rights extraterritorially."[19] Moreover, she argued that this duty translates directly into State obligation to avoid transboundary water contamination, as well as regulate non-State actors in their

[14] Bloomberg, *Worst Case BP Ruling on Gulf Spill Means Billions More in Penalties*, http://www.bloomberg.com/news/2014-09-04/bp-found-grossly-negligent-in-2010-gulf-of-mexico-spill.html (4 Sept. 2014).
[15] Id.
[16] *Report of the Independent Expert*, A/HRC/25/53 at para. 63 (2013).
[17] Id.
[18] General Comment 15, E/C.12/2002/11 at para. 31 (2003).
[19] *Report of the Special Rapporteur*, A/68/264 at para. 46 (2013).

extraterritorial activities.[20] Such obligations directly correspond to the Danube River and BP oil spill, respectively.

Finally, international case law supports the notion that States have obligations to regulate entities that are within their jurisdiction or control, which is applicable to both transboundary and extraterritorial violations. The 1941 *Trail Smelter Arbitration*, brought under the Boundary Waters Treaty of 1909,[21] stands for the principle that conduct occurring in one State that causes environmental harm in another imputes liability to the former for damages flowing from the conduct.[22] The tribunal held that Canada was liable for agricultural harms in the U.S. caused by sulphur dioxide fumes emanating from a smelter plant within their jurisdiction.[23]

Applying this principle to the BP spill suggests that Britain could have been liable for BP's extraterritorial actions that interfered with enjoyment of human rights to health, lives and livelihoods. In addition, Britain had a duty to ensure access to justice for victims of BP's conduct.[24] A similar conclusion should be reached in the context of the Danube spill that Hungary must regulate dams within its jurisdiction to avoid causing transboundary harm.

IV. Recommendations

a. Human Rights Advocates (HRA) urges the Council to:

1. Recognize the findings of the Independent Expert on human rights and the environment and the Special Rapporteur on the right to safe drinking water and sanitation regarding States'extraterritorial obligations to protect against and remedy violations flowing from state and non-state actors, and

[20] Id.
[21] IJC, *Boundary Waters Treaty*, http://www.ijc.org/en_/BWT (11 Jan. 1909).
[22] C. Chatterjee and A. Lefcovitch, *The Gulf of Mexico oil disaster*, Amicus Curiae, Issue 84, 17-24 (2010).
[23] Id. at 23.
[24] Id. It is important to note the distinction that in *Trail Smelter*, the harm flowed directly from activities within Canada's jurisdiction, whereas BP's conduct did not "originate" in Britain. However, *Trail Smelter* calls for accountability of States pertaining to activities within their domain or control, which *is* applicable to BP.

2. Request the Working Group on Business to discuss at their November 2015 forum best State practices of holding private actors accountable for extraterritorial activities that negatively impact the environment and human rights, particularly regarding transboundary water pollution.

b. HRA urges States to:

1. Provide venues for redress of environmental harms from extraterritorial activities by State and non-state actors.

2. Adopt a global perspective to tackling water pollution by ensurin that harm is addressed not only within State territory, but also extraterritorially and within areas where transboundary waters flow.

United Nations A/HRC/28/NGO/33

General Assembly

Distr.: General
19 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Child Foundation, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-02923 (E)
1502923

Please recycle

Children in Armed Conflicts

Today, grave violations are committed against children and youth in the war-affected countries of the world. Young girls and boys are killed, maimed, orphaned, abducted, deprived of education and health care, sexually violated and left with deep emotional and physical scars. These children and youth are uniquely and especially vulnerable to recruitment and hundreds of thousands are associated with State and non-State armed groups.

Children's participation in armed conflicts has serious implications for the physical and emotional well-being of them and their societies. The increase of civilian casualties, including children and youth, in contemporary armed conflicts is a reflection of the changing nature of conflict, in which we see the increased use of improvised explosive devices and new technologies, the conduct of hostilities increasingly in urban or densely populated civilian areas, and a blurring of the distinction between civilians and combatants. In some situations, children and youth are also used as suicide bombers and schools are systematically attacked jeopardizing the life of children and preventing them from going to school.

Children and youth also suffer from other consequences of conflict such as poverty, unemployment, poor governance and the disintegration of families and communities. Rehabilitation and reintegration is particularly critical for children and youth formerly associated with armed groups in order to break cycles of violence and to find a new existence after a life of conflict and distress. Disarmament, demobilization and reintegration programs play a critical and vital role in this context.

During armed conflict, young girls are subject to specifically widespread and, at times, systematic forms of human rights violations that have mental, emotional, spiritual, physical and material repercussions. These violations include illegal detention with or without family members, abduction and forced removal from families and homes, disappearances, torture and other inhuman treatment, amputation and mutilation, forced recruitment into fighting forces and groups, slavery, sexual exploitation, increased exposure to HIV/AIDS, and a wide range of physical and sexual violations, including rape, enforced pregnancy, forced prostitution, forced marriage and forced child-bearing. There is urgent need for better documentation, monitoring and reporting on the extreme suffering that armed conflict inflicts on girls, as well as on the many roles girls play during conflict and its aftermath. Such information and response mechanisms are needed for the purpose of strengthening and developing policy and programs to prevent and or address these grave rights violations.

Our region, the Middle East, has over many years been wracked by political violence and armed conflicts in which governments and armed groups alike have shown a pernicious disregard for the lives of civilians. Many governments and non-state actors in this region violate the core principle of international humanitarian law-civilian immunity-which requires a warring party to distinguish between the civilian population and military targets, and to direct attacks only against military targets. And, unfortunately, children are the main victims of such violence.

Some non-state armed groups in Syria have used children as young as 15 to fight in battles and in support roles. Extremist Islamist groups including the Islamic State of Iraq and Sham (ISIS), Free Syrian Army, the Islamic Front coalition, and Jabhat al-Nusra, an Al-Qaeda affiliate, have specifically recruited children --in some cases, through free schooling campaigns that include weapons training, and have given them dangerous tasks, including suicide bombing missions [1]

Numerous factors influence the recruitment of young children into conflicts. Children are most vulnerable in areas where conflicts have raged over a long period of time. If children are born into and raised in a conflict zone, they are more likely to be de-sensitized to violence. They are also less likely to have been exposed to opportunities, such as education or jobs.

Besides forced recruitment, many children volunteer to fight as they have few other options for a livelihood outside of an armed organization. The military or militia is seen as a 'meal ticket' and a place for safety and security. Children are

[1]. http://www.hrw.org/reports/2014/06/22/maybe-we-live-and-maybe-we-die

also easier to convince and control, and often require little or no payment, making them targets for terror groups and militias.

In this environment, protecting the security and the basic rights of children in armed conflicts requires political and economic action, as well as humanitarian assistance. We urge the international community to use all the possible tools to stifle the resources and arms available to all armed groups, state and non-state, that violates the security and rights of children. Also, we urge all the Member States to adopt legislative measures to discourage corporate actors within their jurisdiction from engaging in commercial activities that support parties that engage in violations of the rights of children.

We believe that specific provisions for child protection, including the demobilization and reintegration of child soldiers, should be spelled out as a core element of all peacekeeping mandates and explicit provisions in all UN-supported peace agreements. Peacekeeping forces should receive training in child protection, and child protection advisors should be provided with a strong, clear mandate. As much as possible, crimes against children, including recruitment of child soldiers, should be excluded from amnesty agreements and youth themselves should be involved in efforts to achieve peace and reconciliation.

More specifically, we urge all the members of the international community to provide education as soon as possible and make it the fourth pillar of humanitarian assistance; work to prevent recruitment by providing alternatives, especially for adolescents and other particularly susceptible groups; increase targeted support to adolescents, whose needs are distinct and too often overlooked among children; recognize the special rights of young girls; include humanitarian exemptions for children in all sanctions and frequently monitor their impact; train all personnel deployed in times of crisis to respect and promote the rights of children; and cooperate with the international, regional and sub-regional organizations to protect children.

And finally, one option remains most urgently in front of society: Children already recruited into violent conflicts can be rescued and re-integrated into society. The international community does not need to wait for conflicts to end for children to be removed from armed organizations.

United Nations A/HRC/28/NGO/34

General Assembly

Distr.: General
19 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the Child Foundation, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-02922 (E)
1502922

Please recycle

The Situation of Palestinian Children

Palestinians represent the world's largest refugee population and one of its longest standing. Military conflict and political turmoil stemming from the Arab-Israeli dispute have forced millions of Palestinians to leave their homes and seek refuge elsewhere, many more than once. But before speaking of the rights of Palestinian children under the occupation, we must recognize the fact that the occupation itself is an unethical, illegal, inhumane and unjustified act that denies a whole nation its right to self-determination, which is a basic right of all nations.

Sadly, prospects of a just and lasting resolution of the conflict are not yet in sight. The socioeconomic hardship, in which the Palestinian people have been living, whether it is in The Occupied Palestinian Territory itself or in the neighboring countries of Jordan, Syria or Lebanon, is therefore likely to continue to be a serious challenge for the new generation in the foreseeable future. The lives of Palestinian children in the West Bank - including East Jerusalem - and the Gaza Strip have been heavily affected by the presence of Israeli occupation forces, settlers and checkpoints since the 6-day war of 1967 between Israel and Arab States.

A 2007 survey showed that 17 percent of the Palestinian population is made up of children under the age of five, and 46 percent under 15. In 2012, it was estimated that the densely populated Gaza Strip has a population of 1.7 million, over 800,000 of whom are children. Many of these children witness explosions, house demolitions, waves of arrests, the constant presence of militia and civil violence and the horrific injury or killing of friends and family members. They are often subject to curfews and afraid just to play in the street and be children. In conflict situations little time and support is available for children to mourn their losses or to gain an understanding of the situation. A study conducted by SOS Children found that a high percentage of children in Palestine show highly pronounced symptoms of psychological strain, and that around 60% of these children required urgent psychological help.

In 2012, Breaking the Silence, an organization founded by former Israeli soldiers whose purpose is to expose alleged abuses committed by the Israeli Defense Forces released a booklet of witness reports written by more than 30 former Israeli soldiers. These reports document of Palestinian children being beaten, intimidated, humiliated, verbally abused and injured by Israeli soldiers.

According to many reports, Palestinian children are often arrested at night, handcuffed, blindfolded, abused and not given access to family members or legal representation. Some of these children are locked in solitary confinement for days or even weeks and sometimes sign confessions that they later say were coerced. In the decade to 2013, according to a March 2013 report by the United Nations Children's Fund ("UNICEF"), Israel has arrested some 7,000 Palestinian children; 18 of 27 arrested in Hebron in March 2013 were below the age of 12. This report stated that the Palestinian children who are detained by the Israeli military are subjected to "widespread, systematic and institutionalized" ill treatment in violation of international law. UNICEF estimated that in the West Bank IDF and Israeli security services annually arrest around 700 youths between 12 and 17 years old, often from their homes at night.

In the physical and mental health areas, some studies have found that about 10 percent of Gaza children under five have stunted growth due to malnutrition and that 68 percent of pre-school children and 58 percent of children of school age

suffer from anemia. Also the long blockade of Gaza Strip, which has prevented importation of necessary supplies and materials, as well as Israel's Gaza War bombing of infrastructure, has led to water being severely contaminated by fertilizer and human waste. Diseases like typhoid and diarrhea, spread by contaminated water, have doubled in children under the age of 3, which has long-term health implications. While, according to some reports, more than 370,000 Palestinian children have been left shell-shocked by 2014 Israeli war on Gaza, researchers say that the average rate of post-traumatic stress disorder among children from both sides of the Green Line is about 70 per cent.

The vulnerability of Palestinian children and youth is more acute than ever before. Palestine refugee children are exposed to considerable child protection concerns including physical and emotional violence, sexual abuse, child marriage, detention, child labor and the effects of armed conflict. Poverty, stifled employment opportunities and overcrowded living conditions in refugee camps are just some of the elements that exacerbate child protection concerns for Palestine refugee children.

Throughout the occupied Palestinian territory, the situation of human rights of children remains dire. The policies of land confiscation, expansion of settlements, home demolitions and forced displacement of families, revocation of residency permits and restrictions on freedom of movement continue to have a greater impact on children. Children are particularly vulnerable to settlers' violent attacks and harassment. In Gaza, the continued Israeli blockade has significantly affected the right of children to food, health and education and psychological trauma from the Israeli attack on Gaza continues to affect children more disproportionately.

The Palestinian children live lives unlike those of other children in the world. Their childhood is distorted by a long and brutal occupation that kills their innocence and their dreams. They are living in constant fear and anxiety and they are forced to be grown-ups, when they're still children.

We firmly believe that Palestinian children have a right to be protected against all acts of violence in the midst of the current Israeli-Palestinian conflict, including the right to a safe shelter, safe access to their schools and to the health services. Article 12 of the UN Convention on the Rights of the Child enshrines children's right to have a voice, particularly in matters that concern them. Ensuring that children and youth are not ignored and have the space to define their own lives are incredibly powerful ways to promote protection. And this voice and vision transcend political agendas, silencing the senseless violence and destruction.

United Nations A/HRC/28/NGO/35

General Assembly

Distr.: General
19 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Society Studies Centre (MADA ssc), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-02914 (E)

1502914

Please recycle

Challenges of Human Rights in Sudan

During the recent few years Sudan faced serious challenges in the field of human rights. These can be summed up as follows:

First: the persisting war in Darfur, South Kurdofan and the Blue Nile states constituted the most serious challenge to the situation of Human Rights in Sudan. Despite signing of Darfur Peace Agreement in Doha and the accession of many armed movements thereto, and despite continuing negotiations on the conflict settlement in South Kurdofan and the Blue Nile states, the continuation of war from the part of Darfur armed movements non-signatory to the Peace Agreement and from the part of the Sudan People's Liberation Movement – Northern Sector as well, had resulted in the most serious violations committed by these movements against the International Humanitarian Law and aggravated the sufferings of the people in these areas.

Second: The aggravating negative impacts of the unilateral coercive measures on the Sudanese citizen prevented him from enjoying his fundamental rights. The US Administration persistently imposes annually renewed economic sanctions on Sudan since 1997 forming one of the gravest violations of the international law and norm.

Third: The exacerbating burden of foreign debt has negatively influenced human rights situations in Sudan. In spite of the fact that Sudan had met all the conditions required for debt relief under the HIPC Initiative, it was never given the opportunity to get the advantage of that initiative. As a result thereof, poverty and unemployment rates increased in Sudan and the fundamental rights of the Sudanese people to education, health and development were harmed considerably.

Despite all these challenges, situation of human rights in Sudan kept moving forward in notable progress through the recent years. A considerable development was made in the field of human rights- related legislations and laws. Such development was confirmed further by the Bill of Rights embodied in the 2005 National Constitution in addition to the progress made in establishing the mechanisms needed for protecting and enhancing human rights in Sudan. Generally, the development realized can be summed up in the following:

- Success in encountering and overcoming the obstacles ensued after cessation of South Sudan in a manner that allowed for constructing smooth relations between the two countries. By virtue of such success, Sudan has now become an acceptable mediator between the two conflicting parties in the Republic of South Sudan.
- Establishing the National Human Rights Commission as an independent body concerned with human rights. The Commission is currently operating in a completely independent and objective manner.
- Laying out a national plan for human rights, with the participation of civil society, to act as a guide to the State in human rights-related issues
- Developing legislations organizing several aspects of human rights such as the Law on Combating Human Trafficking, to which several CSOs have substantially contributed and which was entered into force in October 2013, in addition to other legislations concerned with maternal and child health (MACH) and the amendment to the National Elections Act.
- Organizing community-based campaigns to combat female genital mutilation (circumcision) which resulted in reducing the rate of such practice considering its tight association with deeply rooted social traditions and concepts.
- Pushing forward women's political status demonstrated by adopting substantial amendments to the National Elections Act and by virtue of which women were given greater participation in the process increasing their representation, by way of positive discrimination, from 25% to 30% in compliance with the international standards.
- Re-forming the National Elections Commission through consensus and amend National Elections Act to guarantee greater participation of different political parties to enhance democracy, good governance and peace.
- Embark on the dialogue process initiated by the President of the Republic and for which an independent mechanism was constituted. All social activities, intellectual and political currents were invited to participate in the dialogue to enhance democracy, disseminate freedom and protect human rights.

- Continuing the negotiation process between the government and armed movements on the issue of South Kurdofan and the Blue Nile.

Within the context viewed above, the Society Studies Centre SSC demands and calls for the following:

First: the Center commends all the past resolutions accredited by the UN Human Rights Council and the UN General Assembly concerning human rights and the unilateral coercive measures. We especially commend the HRC Resolution No 27/L2 appointing a Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights, hoping that his efforts will bring an end to the sufferings of many nations harmed by such measures. Being one of these nations, Sudan which remained under the US coercive measures all through the last twenty years had seriously suffered their negative impact on all sectors and segments of the society. The greater burden fell on the nation of the country rather than any other part and prevented them from enjoying their fundamental rights. We look forward to the contribution of this session in appointing a thematic rapporteur who enjoys a strong personality that allows him detect the negative impacts of these coercive measures on Sudan.

Second: We call upon the Secretary- General to extend every necessary support to the Special Rapporteur on the Negative Impact of Unilateral Coercive Measures to enable him carry out his duty in an efficient manner especially by furnishing him with sufficient material and human resources.

Third: We call upon your esteemed Council to work for Sudan accession to the HIPC Initiative and relieve Sudan debt to enable its nation enjoy the rights guaranteed by the International Law of Human Rights.

Fourth: We call upon the various armed forces in Sudan to resort to peace and engage in the democratic process via participation in the general elections currently in progress as a peaceful and democratic means for transfer of power.

United Nations A/HRC/28/NGO/35/Corr.1

General Assembly

Distr.: General
17 March 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement submitted by the Society Studies Centre (MADA ssc), a non-governmental organization in special consultative status

Corrigendum

The agenda item on document A/HRC/28/NGO/35 should read as above.

GE.15-05147 (E)
1505147

Please recycle

United Nations A/HRC/28/NGO/36

General Assembly

Distr.: General
19 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the International Humanist and Ethical Union, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-02929 (E)
1502929

Please recycle

Hate campaigns and violence against people with no religion by state and non-state actors

Just as freedom of thought, conscience, religion or belief protects the right of the individual to follow a religion; it also protects the right to reject any religion or belief, to identify as humanist or atheist, and to manifest non-religious convictions through expression, teaching and practice.

As CCPR General Comment No. 22 notes: "The right to freedom of thought, conscience and religion in article 18.1 [...] encompasses freedom of thought on all matters [...]Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms 'belief' and 'religion' are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions"[1]. Thus, it is not necessary to describe atheism as a religion, or as analogous to religion, to guarantee atheists (those who do not believe in any god) and humanists (those who embrace a morality centred on human welfare and human flourishing that does not appeal to any supernatural source) the same protection as religious believers. On the contrary, atheism and theism are protected equally as manifestations of the fundamental right to freedom of thought and conscience.

Despite this, the overwhelming majority of countries fail to respect the rights of the non-religious. In many countries there is discrimination against the non-religious. This has been detailed in previous written statements and in the IHEU's *Freedom of Thought Reports*[2]. In addition to this widespread discrimination, in some countries there also exists outright persecution and 'hate campaigns' directed at non-believers as a distinct minority group. This has come both from state and non-state actors.

Vigilante violence against people with no religion

Over the past few years, the IHEU has documented many cases in which those who either self-identify as non-religious or who are accused of non-belief, have been violently targeted by individual actors and vigilante groups.

The existence of this form of violence reflects societal and cultural prejudicial attitudes against those who happen to have no religious belief or are critical of religion. Such violence is sometimes used in situations where there are personal grudges to be settled (as in Pakistan[3], for example) or political ends to be achieved (as in Mauritania[4], for example). Its existence also reflects levels of ignorance and fear about non-belief, as well as political and societal exploitation and manipulation of that ignorance and fear.

Some recent examples of vigilante violence against the non-religious include:

- In August 2014, a member of the Ugandan Humanist Association for Leadership Equality and Accountability Group member Joseph Lukyamuzi was attacked, and on 30 October 2014 the director of HALEA, Kato Mukasa, suffered an arson attack on his home, all apparently in connection with the rising profile and human rights work of this Humanist organization.

- In June 2014 in Nigeria, Mubarak Bala, was assessed as needing psychiatric help because of his atheist views and held against his will at a psychiatric ward. His father, formerly a senior member of the Islamic religious authorities, had orchestrated Mubarak's detention, after Mubarak had refused to keep quiet about his atheistic views on religion. Bala was freed after nearly three weeks, due to a strike at the hospital.

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[1] http://www.refworld.org/docid/453883fb22.html

[2] See: A/HRC/22/NGO/24; A/HRC/25/NGO/64; and *Freedom of Thought Reports* 2012 – 2014 (http://freethoughtreport.com/)

[3] See "Pakistan" entry in *ibid.*

[4] See "Mauritania" entry in *ibid.*

- In Bangladesh in February 2013, an atheist blogger, Ahmed Rajib Haide, was murdered at home. He was associated with secularist views in line with Shahbag and his head was hacked open with a machete the day after he took part in the Shahbag rally[5]. The month before Ahmed Rajib Haide was killed Islamist militants had attempted to murder another atheist blogger, Asif Mohiuddin. Mohiuddin survived that attack, thanks to emergency surgery. An estimated 100,000 Islamists in early 2013 took to the streets of Dhaka calling for "death to the atheist bloggers".

In some states there exists a culture of impunity, where perpetrators know they will not be pursued or brought to justice for the crimes they commit against non-believers. Indeed, this phenomenon has been observed by the Special Rapporteur on Freedom of Religion or Belief in his recent report on violence committed in the name of religion. He notes that atheists and agnostics suffer in many countries from a climate of intimidation, repression or violence[6] and that in some countries, "certain State agencies [...] support such violence directly or indirectly" by, for example, "promoting hatred" or by "turning a blind eye to violence"[7].

The significance of highlighting mob violence then, is not solely to delineate the climate of fear and violence in which some people associated with non-belief are forced to live, but to point to governmental responsibility in creating, maintaining and sometimes even sponsoring civil violence against non-believers.

State-based hate campaigns against people with no religion

Notably, 'hate campaigns' and incitement to violence against those with no religion does not come exclusively from individuals in society or reactionary or radical religious leaders, but increasingly from political leaders themselves, including heads of state. 2014 has seen a surge in the phenomenon of state officials and political leaders agitating specifically against non-religious people, in terms that would normally be associated with social persecution against ethnic or religious minorities. Some cases of 2014 include:

- In January, Saudi Arabia enacted a new law equating "atheism" with "terrorism". Though the law sought to criminalise numerous things, its very first article banned "Calling for atheist thought in any form, or calling into question the fundamentals of the Islamic religion"[8].

- In May, the Malaysian Prime, Minister Najib Razak, labelled "humanism and secularism as well as liberalism" as "deviant" and a threat to Islam and the Malaysian state itself. This was in the context of a speech in which he also denied that Malaysians had any right to "apostasy"[9].

- In June, Egyptian authorities carried out an organized backlash against young atheists[10]. Nuamat Sati of the Ministry of Youth announced a campaign to spread awareness of "the dangers of atheism" and why it is "a threat to society". In 2014, Egyptian authorities detained young atheists who appeared on TV media and Youtube talking about their right to express atheist views. In November, Christian churches "joined forces" with Egypt's Al-Azhar in another anti-atheism campaign, saying that "society should resist this phenomenon [of atheism]"[11].

As the Special Rapporteur notes, states have a responsibility to protect their populations and ensure the realization of

[5] http://bdnews24.com/bangladesh/2013/02/16/killers-hacked-rajib-first-then-slit-his-throat-police
[6] A/HRC/28/66, §9
[7] A/HRC/28/66, §5
[8] *Freedom of Thought Report 2014*, pp.377-378
[9] www.themalaymailonline.com/malaysia/article/pm-says-human-rightism-humanism-secularismnew-religion-threatening-islam
[10] http://www.madamasr.com/news/govt-announces-campaign-save-youth-atheism and al-monitor.com/pulse/originals/2014/07/egypt-government-fears-atheism.html
[11] www.worldbulletin.net/africa/148163/egypts-muslim-christian-authorities-unite-againstatheism

their rights. They also have an "obligation to act swiftly to stop acts of violence committed in the name of religion"[12]. It is extraordinary therefore, that not only are these states failing their irreligious population by not protecting them, but actually being complicit in creating a climate in which acts of violence against them happen.

Summary and Recommendations

Whether targeted as "apostates" or "infidels" or – more directly – as atheists or humanists, or indeed the far broader "liberals", it is human beings being targeted, restricted and denied their basic rights here. But the simmering trend toward targeting "atheists", as such, risks broadening existing prohibitions and agitation.

Of course non-believers as a minority are far from alone in suffering persecution and violence from state and non-state actors. There are countless examples of other groups suffering horrifically in the same way; for example, Ahmadis in Pakistan[13], Christians in much of the Middle East[14], Shi'as in Malaysia[15] or Rohingya Muslims in Myanmar[16]. The focus here on violence against non-believers specifically by no means seeks to imply a hierarchy of importance in terms of the groups persecuted. We instead raise the issue here because others have not. Non-believers are a group often forgotten by those concerned with (ir)religious freedom; a group too often wrongly ascribed characteristics of amoralism and bereft of human rights.

Accordingly, we recommend:

- As highlighted in our last written statement on this issue [17], the language of international resolutions and domestic legislation is important. *Explicit* mention of non-believers when highlighting violence against belief-based minorities is vital for ensuring an increasing global awareness about the plight of so many and indeed their existence as a minority in so many countries who deserve equal protection. We are grateful to the Special Rapporteur for having done so in his latest report[18].

- There needs to be convincing international condemnation and response to those country leaders who use 'hate speech' or incitement against any religious of belief minority, it needs to be clear that this includes those with no religion.

- Council members should take concrete action to implement the Rabat Plan of Action, which seeks to prevent incitement to discrimination, hostility and violence whilst protecting free speech.

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[12] A/HRC/28/66, §89 & §90
[13] http://www.hrw.org/news/2011/04/18/indonesia-risks-taking-pakistans-path-intolerance
[14] http://www.huffingtonpost.com/news/christian-persecution/
[15] http://online.wsj.com/news/articles/SB10001424052702304173704579259473076713800
[16] http://www.hrw.org/news/2013/04/22/burma-end-ethnic-cleansing-rohingya-muslims
[17] A/HRC/25/NGO/64
[18] A/HRC/28/66, §9

United Nations A/HRC/28/NGO/37

General Assembly

Distr.: General
19 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Jammu and Kashmir Council for Human Rights (JKCHR), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-02930 (E)
1502930

Please recycle

Jammu and Kashmir Human Rights Situation

Political States are legitimate, if they adequately protect the human rights of their constituents and respect the rights of all others. Promotion and protection of all human rights is seriously disturbed when the principle of equality and self-determination of a people is pending adjudication. It is even more difficult when people are divided, distributed and differently administered by two or more member nations of the UN, denying access to each other to these people. There is an agreement between the Governments of India and Pakistan reached at the UN Security Council that there would be a demilitarization of the State for holding a plebiscite.

Human Rights situation in Jammu and Kashmir (administered by India) in particular of the Muslims has not improved since Pakistan moved a Resolution L40 at the 50th session of UN Human Rights Commission in March 1994 and Mme Pally UK expert on the Sub Commission moved another Resolution L21 at the 49th session of the Sub Commission on Human Rights in August 1997, affirming that Jammu and Kashmir was an exceptional case and there were new circumstances, particularly grave circumstances.

Jammu and Kashmir Government has revealed in the Assembly that 9329 persons are detained in 13 jails of the State since 2002. Unofficially the number stands much higher. Torture is widely used in police stations and interrogation centers to extract confessions or information, to humiliate or punish detainees, leading to dozens of reported deaths in custody. Of these, 2673 are detained in Central Jail Srinagar; 2075 in Central Jail Kot Balwal Jammu; 1696 in District Jail Baramulla; 975 in District Jail Udhampur; 537 in District Jail Kathua; 364 in District Jail Jammu; 239 in District Jail Kishtwar; 184 in District Jail Rajouri; 176 in District Jail Kupwara; 172 in District Jail Poonch; 106 in Sub Jail Reasi; 85 in District Jail Anantnag and 47 in Sub Jail Hira Nagar.

On an RTI application filed by Abdul Manan Bukhari heading the legal cell in the Hurriyat Conference in the Valley, Home Department has revealed that 16,329 people in the State have been booked under infamous Public Safety Act (PSA) after eruption of a political and a militant resistance in the Indian administered part of Kashmir in 1988.
PSA is one of the most draconian laws applicable in Jammu and Kashmir used liberally as a repressive measure to crush dissent. PSA finds its roots in the Defence of India Act (DIA) during the British rule but it is more punitive form of the DIA that was described by various leaders including Mohandas Karamchand Gandhi as draconian and a black law enacted by British to suppress the Indian freedom struggle. DIA was renamed in 1967 and is presently known as PSA. In Jammu and Kashmir, it is known as Jammu and Kashmir Public Safety Act1978.

Human Rights organizations and lawyers have been demanding review of this act. The AFSPA empowers security forces to arrest and enter property without warrant and gives the security forces power to shoot to kill in circumstances where members of the security forces are not at imminent risk. It facilitates impunity because no person can start legal action against any members of the armed forces for anything done under the Act, or purported to be done under the Act, without permission of the Central Government. 707 FIRs were registered against minors. 141 minors have been arrested

in Kathua under various criminal cases since 1989. 25 minors were booked by police in Kathua in 2013. These details represent a general template and do not reflect the aggregate situation prevailing in other parts of the valley.

PSA is being used by the Indian army and the State apparatus to take the males of all ages out of circulation and without any redress. Valley has returned to the old days of September 1931 when the ruler had allowed his police and army to arrest all dissenting Muslims as turbulent people.

In another RTI application filed by Sanjay Tikoo, president of Kashmiri Pandit Sangarsh Samiti the police has been forced to reveal that 60,000 families in Kashmir (Muslims) have been denied passport clearance by the CID. These families are "indexed not to receive CID clearance" for passports. The apparent reason for denying the passport clearance to such a large number of people was their alleged affiliation with Kashmiri people's right to self-determination duly pending at the UN SC for a reference of the people.

General Officer Commanding of Srinagar-based 15 Corps, Lt Gen Subrata Saha on 07 December 2014 made a statement that 100 militants were killed in 2014 in the Valley raises serious doubts in regard to the identity of the people killed and the circumstances under which they were killed. It is in fact the killing of a State Subject by Indian army which remains under two strict disciplines, a bilateral and a UN one in regard to its presence in the Valley and its duties.

Mr. Saha informed that "There were approximately 6800 militants active during 1996 in the State which, however, has got reduced to 240 and 199 in 2013 and 2014 January". Kashmir has lost around 100,000 civilian lives from 1990-2015 and the manner in which the 6800 alleged militants have been killed by the army is a serious situation and AFSPA wou d not allow anyone to seek any probe or information.

The security apparatus in Jammu and Kashmir engages in creating a self-serving hype in regards to the presence of militants. The refugees returning through Nepal are in fact civilians. A total of 268 families comprising of 869 persons including 146 spouses and 455 children have returned during the past three years from Azad Kashmir through Nepal. A policy of rehabilitation has been announced in November 2010, for the return and rehabilitation of such youth who had crossed the Line of Control (LoC) during the 1990s when militancy was at its peak in Kashmir. We find that these people have not been properly rehabilitated and there have been many instances where family members have been driven to commit suicide.

JKCHR team in Srinagar, in particular, Syed Javid Geelani (CAO) and Mohammad Ashraf Bhat (PRO) have worked hard to provide humanitarian relief to the September 2014 flood victims in various parts of the Valley. The team has worked hard to energise interest in the scope to promote and protect the human rights. Their verifiable research has revealed that the State has imprisoned minors under 18 years of age and women for reasons of family association with people accused of dissent.

A new practice of forcing the civilian population in particular the children to work as informers for the police and intelligence agencies is shaping into an institution. For example a 17 year old minor Danish was picked up by the police in November 2012 and charged with stone pelting. During eight days of detention, he was subjected to physical and mental torture. He recounts his ordeal, recalls dates, time and people who arrested and tortured him. His narration takes 37 minutes.

Police beat him, showed him videos of stone pelting on a laptop and asked him to identity other youth involved in stone pelting on the police. They asked him to join them on night raids. Initially, Danish refused. Coercion continued until he was forced to reveal the addresses of two teenage boys. 'They were my friends,' he says. Danish suffered from fever and his health worsened. He was taken to a police doctor before appearing in a local court, but was directed not to divulge details about his health.

JKCHR wishes to place on record the valuable services of all at Kashmir chapter in Srinagar, in particular Syed Mohammad Yasin Gilani, chairman JKCHR Community Centre at Narantahal, Baramulla (and his team), Qazi Lateef Shaheen, Faroz Ahmed Mogal, Riyaz Ahmad Malik, Syed Mohammad Shafi Geelani, Wasta Abdul Majid, Khaliq Malik, Hardeep Singh and all others who have been making a difference in the promotion and protection of human rights. JKCHR Pakistan chapter in particular Syed Sajjad Hussain Shah and the team have equally continued to increment the scope of defence of human rights, importantly in sensitising the rights of the five generations (around 2 million) of Kashmiri refugees domiciled in Azad Kashmir and various cities of Pakistan. Over 35,000 people (Muslims) migrated from Indian administered Kashmir in 1989 and are living in the Chela Bandi makeshift camp in Azad Kashmir. These refugees continue to raise the issues of six per cent job quota, increase in monthly stipend and permanent settlement.

It is earnestly proposed that in view of the pending adjudication of the Kashmir dispute, reporting on the promotion and protection of human rights in Jammu and Kashmir should be a regular and principal concern of the Council agenda. The behaviour of the two States in the areas under their respective administration should be consistent with the principles of the Charter of the United Nations and their responsibilities under UNCIP Resolutions.

United Nations A/HRC/28/NGO/38

General Assembly

Distr.: General
19 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Jammu and Kashmir Council for Human Rights (JKCHR), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-02931 (E)

1502931

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Jammu and Kashmir - expedition, urgency and immediacy

Empowering the common man and woman through the exercise of a vote in the election of their representatives in a habitat is the basic component of an internal self-determination, which in some cases leads to external self-determination.

The State of Jammu and Kashmir and the regime of human rights of its people became a subject of a prolonged discussion at the UN Security Council through an application made by India under article 35 of the Charter on 01 January 1948. Pakistan filed her defence and counter claim on 15 January 1948. United States of America at the 607 meeting of the UN Security Council on 5 December 1952 stated that "we welcome any agreement which the parties themselves can reach on any basis which will settle the dispute, provided of course that basis is consistent with the principles of the Charter of the United Nations".

Pakistan urged the United Nations in January 1948 that a Plebiscite in Kashmir has to be organized by the Spring that is in three months' time in March 1948. Indian Government pleaded for expedition, urgency and immediacy at the UN Security Council in the resolution of Kashmir dispute in January 1948. Indian Government also pleaded for 'the sovereign powers exercisable in the State by the Jammu and Kashmir Government and by the Government of India within their respective constitutional spheres'. Mr. P Graham the United Nations representative for India and Pakistan in his report to the UN Security Council on 10 October 1952 stated, "May the prompt, fair and peaceful settlement of the Kashmir dispute by the Governments of India and Pakistan set the example, provide the leadership and point the way from fear and conflict to peace and hope for the peoples of the earth".

Mr. Graham added, "The values of an early settlement of this dispute would in my view, be tremendous for the 4 million people of the State, the 400 million people of the two nations involved and the people of the world".

United Nations Security Council at its 285th meeting on 19 April 1948 identified the composition and character of the Jammu and Kashmir Government. Security Council required that "The Government of the State shall forthwith be reconstituted so as to give equal representation to each major political group in the State, viz. the National Conference, the Muslim Conference and the Azad Kashmir – which will each be invited to designate an equal number of responsible representatives to constitute a Council of Ministers. This Council of Ministers may choose one of its members to act as President, but in the allocation of the portfolios it will be guided by the advice of the Commission".

It is 67 years (1948-2015) since this requirement was put down by the Security Council. Government of India has failed to assist the people under its administration to set up a UN identified Government, allow a sovereignty of powers to the State Government and respect the sovereignty of the vote of the common people. The question of the sovereignty of the people, today has to take on board a further distribution of people under three administrations on either side of cease fire line and a vocal Kashmiri diaspora spread all over the world.

Governments of India and Pakistan have undertaken obligations under the two resolutions of 13 August 1948 and of 5 January 1949 to carry out the provisions of a plebiscite under the auspices of the United Nations. Government of India does not have a credible record in regard to the discharge of its obligations under the UN Security Council resolutions, in regard to her bilateral agreement with the people of Kashmir and the Government of Pakistan on Kashmir.

India expressed its concern at the 284th meeting of the Security Council on the references in paragraphs 2, 5 and 9 of the draft resolution, where the representative of the United Kingdom Mr. Noel Baker had referred to Indian army in Jammu and Kashmir as 'occupation forces'. According to a bilateral arrangement Indian army had entered into the State to defend the territory, protect life, property and honour of the people. The UN resolution of 21 April 1948 sets out the number, behaviour and location of these forces.

Indian Government has reneged on its bilateral and international obligations. The State is splintered into three territorial spreads with effective and duly elected Governments. All the three are inhabited by the residents of Jammu and Kashmir and there is no risk of any one attacking the other. The people living in these three administrations accept the

final resolution of the State according to the principle of sovereignty of the people accepted at the United Nations. They are looking forward to co-operate with the UN administrator to translate the UN mechanism into action. Therefore, Indian army has nothing to defend any more.

From 1990-2015 over 100,000 civilians have been killed in the Valley and Indian army has failed to protect the life. People have suffered gross and systematic abuse of rights never witnessed in 144 years from 1846-1990 in the last 25 years. Rape, disappearances, custodial killings have been reported to the UN forums and use of live ammunition against civil population in recent years is disturbing. Indian army has failed to play the roles identified at the time of admission into the State and in UN SC Resolution of 21 April 1948. The number has increased. 500,000-700,000 regulars and a br ad spread of invisible surveillance network to occupy the habitat against the will of the people.

Out of the three administrations, namely Azad Kashmir, Gilgit-Baltistan and Jammu and Kashmir. Jammu and Kashmir on the Indian side remains without an elected Government since 23 December 2014 (as on 16 February 2015). Government of India has frustrated the formation of a Government of Kashmir based political parties and the BJP Government in Delhi is trying to seek a foothold in the State. It has used all means to create fissures in Kashmir politics and has been attempting an alliance with one of the like-minded political parties (Peoples Democratic Party) in Kashmir.

In the interim it has used article 92 of the Jammu and Kashmir Constitution to install the Governors rule in the State. Governor is an agent of the Government of India in the State and the BJP Government has used this loophole to remain incharge of governance in the disputed State. It is important to point out that Jammu and Kashmir Constitution adopted on 17 November 1956 continues to remain under the caution of UN Security Council Resolution of 30 March 1951.

BJP and its sister organizations like, RSS, Hindu Mahasabha and Shiv Sena are known to have worked for a 'Hindu India' and are challenging its secular credentials. The Hindu Mahasabha is recorded in the UN debates on Kashmir to have called to "Treat all Muslims as fifth columnists". As part of its communal agenda and to disturb the demography in the disputed Jammu and Kashmir the present BJP Government in India wishes to settle Hindu refugees of 1947 from West Pakistan in the State, which is against the State Subject Law of 20 April 1927. The State does not allow property or settlement rights to any non-Kashmiri, be it an Indian or a Pakistani. Government of Pakistan has not disturbed this law in the two administrations under its control, namely Azad Kashmir and Gilgit-Baltistan. Any violation of the law could be challenged in a court of law.

It is important that the UN revisits as early as possible the French proposal of 24 January 1948 that all foreign troops must be removed from Kashmir, all its original inhabitants, both Muslim and Hindu must be allowed to return to their places of residence and a free administration must be set up in Kashmir which will not exercise any pressure on the population and will ensure the fairness of the plebiscite.

We propose that:

1. The Government of the State should be reconstituted forthwith so as to give equal representation to each major political group in the State as identified in 285th meeting of Security Council on 19 April 1948

2. Azad Kashmir Government which has been set up to provide for the "better Government and administration of Azad Jammu and Kashmir until such time as the Status of Jammu and Kashmir is determined..through the democratic method of free and fair plebiscite under the auspices of the United Nations as envisaged in the UNCIP Resolutions", should be encouraged as Palestinians are encouraged in GA Resolution 3280 (XXIX) to play a lead role

3. UN to consider that the question of accession was for a temporary period and for a limited purpose. That period has elapsed and that purpose has been served, it ceases to be valid any more. Out sourcing of UN mechanism to Jammu and Kashmir Government and Government of India should be revisited, on the basis of expedition, urgency and immediacy pleaded by India.

United Nations A/HRC/28/NGO/39

General Assembly

Distr.: General
19 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-02932 (E)
1502932

Please recycle

Iranian Women on the Path of Development and Advancement

The third MDG is on the "improvement of gender equality and empowerment of women" particularly through the eradication of gender inequality within primary and middle school education. The four indexes bellow are for the evaluation of the accomplishment of this goal. In this section it will be attempted to explain the changing trend in these indicators over the last few years, and deal with existing information in these indicators.

Indicator 9: ratio of girls to boys in primary, middle and higher education
Indicator 10: ratio of literate women to men of 15 to 24 years of age
Indicator 11: share of women's wages who work in non-agricultural sectors
Indicator 12: percentage of women members of the parliament

Indicator 9:
The women's education growth levels can be evaluated via the literacy rate indicator. In 1976, the literacy rate among women was only 36 percent in comparison to men at 59 percent, which indicated a 23 percent gap. In 1996 women's literacy rate increased to 72 percent and to 81 percent in 2006, and this gap was visibly reduced, dropping to 8 percent (men's literacy at 89 percent and women at 81 percent). According to statistics, today, women's literacy rate has surpassed 96 percent (Survey Centre of Iran).

Indicator 10:
Higher education in Iran, gradually and through the social acceptance of society, has continued to have a growing trend. In the 1978-79 education year, there were 175,675 university students, 30.8 percent of which were women students. The total number of state and private universities and higher education center students for 1996-97 reached 1,193,538 and women's share was 38.5 percent. In spite of this the total number of students in 2000-01 reached 1,577,000, 47.3 percent of which were women. In 2011, the number of students reached 4,117,208, 60 percent of which were women. In 2014 the total number of students in universities were 1,034,753, and 611,184 of which were women which indicates a rate of over 70 percent.

Indicator 11: Women's employment situation
As well as deeming employment as a basic and natural right for women and making the government to provide the necessary conditions for women's employment, the Constitution of the Islamic Republic of Iran stresses on women in having legitimate work, so that the basis for women's extensive appearance in the employment sectors and economic activities are prepared. Also Article 20 of the Constitution deems the equal use of all existing employment opportunities in the society as women's economic and social rights. Therefore women's employment has a special status within the domestic laws of Iran, including articles 3, 20, 21, 28, 29 and 43 of the Constitution, the Perspective Document of the Islamic Republic of Iran for 2025, Women's Rights and Responsibilities Charter, the Fourth and Fifth Development Programs and other laws.

The number of Iranian women active in the economy in 1986 was less than one million, the figure reached 1,630,000, and 1,765,000, in 1991 and 1996 respectively. And rose to 4 million in 2005. This increase in the number of employed women shows Iranian women's interest in working and participation in the economy side by side with men, and suitable and positive policy settings towards boosting the entrance of professional and literate workforce into the society. Because the majority of women in employment in Iran are literate. But in the years between 2006 till 2011 the number of working women dropped approximately by 900,000. This was due to the country's economic problems, and the negative effects of the unilateral economic sanctions imposed by the US and the European Union on Iran on the excuse of the country's nuclear activities.

In spite of this, according to published information from the general census of people and property in 2011, 30 percent of all working people were women, most of which worked in the public and governmental sectors.

Overall it can be said that civil servants in various aspects are women who have higher education and they are seen in university, justice department and ministries in various managerial levels.

Indicator 12: political participation of women
The participation level of women in various rounds of parliament was studied by the practice of women members of parliament from quantity and quality aspects.

In the quantity part the number of women members of parliament in relation to all members is low. In the first, second and third parliaments, women only took part from Tehran, but from the fourth parliament onwards we witness the participation of women candidates from the provincial towns, even small towns such as Samiram, Zabol, Sarab etc which indicate the sensitivity of women towards legislation and determination of their own future. It is hoped that this trend continues to grow.

From the quantity aspect, the number of women members of parliament in various commissions are as follows:

Commissions	Number
Social	5
Article 90 of the Constitution	7
Economic	3
National Security and Foreign Policy	6
Administrative and Recruitment Affairs	4
Judicial and Legal Affairs	5
Energy	1
Education and Research	9
Education and Training	4
Planning, Budget and Calculations	2
Health and Treatment	11
Councils and Domestic Affairs	1
Construction	1
Culture and Higher Education	4
Cultural	8
Agriculture, Water and Natural Resources	2
Hosing, City Development and Road Construction	1

MP Name, Union Field and the round of Parliament	Governmental Responsibilities
Marzieh Vahid Dastjesrdi member for Tehran in fourth and fifth parliaments	Health and Medical Treatment Minister in Ahmadinejad's cabinet
Hajer Tahriri Nik Sefat Member of the eighth parliament from Rasht union district	Operational Deputy for human Resources and deputy director for human resources of the presidency in Ahmadinejad's administration
Elham Aminzadeh, member of the seventh parliament for Tehran union district	Legal deputy of the presidency in the 11th government (Rowhani

Women representatives that have been present in the government
Women with key political positions

Shahla Molaverdi: Deputy president for Women's Affairs

Elham Aminzadeh: Deputy president for Legal Affairs
Maasoomeh Ebtekar: Deputy President for the Environment
Marzieh Afkham: Ministry of Foreign Affairs spokesperson

Recommendations

1 - In view of the relative advancements that women have achieved in the social and political fields, attention must be made to two important factors which are proportion and distribution.

2 - The necessary basis for furthering the presence of women in social and political competition must be brought about and this requires culture building. It is through this that there will be no gender distinction in their decision making and selection of members of parliament.

3 - Increase of the number of women members of parliament will make their activities in the parliament's open sessions more highlighted. The quality of the performance of women members of parliaments depends on their further and more active presence and their suitable presence in friendship groups, parliamentary monitoring and etc. which can increase the parliamentary diplomacy capacity of Iran in interaction with Inter-parliamentary Unions of other counties.

United Nations A/HRC/28/NGO/40

General Assembly

Distr.: General
27 February 2015

English and Spanish only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by Asociación Española para el Derecho Internacional de los Derechos Humanos AEDIDH, American Association of Jurists, Arab African American Womens' Leadership Council Inc., Association Graines de Paix, Association Mauritanienne pour la promotion du droit, Association pour l'Intégration et le Développement Durable au Burundi, Atheist Alliance International, Bangwe et Dialogue, Centre for Democracy and Development, Cultural Survival, Fondation pour le Dialogue des Civilisations, General Arab Women Federation, Indigenous World Association, Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, International Association of Peace Messenger Cities, International Federation of Women in Legal Careers, International Federation of Women Lawyers, International Institute for Child Protection, International Movement Against All Forms of Discrimination and Racism (IMADR), International Organization for the Elimination of All Forms of Racial Discrimination, Mama Zimbi Foundation, Mothers Legacy Project, Organisation for Gender, Civic Engagement & Youth Development (OGCEYOD), Pax Christi International, International Catholic Peace Movement,

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03916 (E)
1503916

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Peace Family and Media Association, Shirley Ann Sullivan Educational Foundation, Women Environmental Programme, Women's World Summit Foundation, World Federalist Movement, World for World Organization, Yayasan Pendidikan Indonesia, non-governmental organizations in special consultative status, Dzeno Association, Institute for Planetary Synthesis, International Educational Development, Inc., International Peace Bureau, International Progress Organization (IPO), International Society for Human Rights, OIKOS - Cooperaçao e Desenvolvimento, Share The World's Resources (STWR), World Circle of the Consensus:Self-sustaining People, Orgnizations and Communities (SPOC), non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2015]

Civil society position on the draft Declaration on the Right to Peace

On behalf of the 91 worldwide CSO which are endorsing this declaration, the **Spanish Society for International Human Rights Law** would like to remind that resolution 20/15 of the Human Rights Council, of 5 July 2012, established the working group with the mandate of "progressively negotiating a draft United Nations declaration on the right to peace, on the basis of the draft submitted by the Advisory Committee, and without prejudging relevant past, present and future views and proposals"[1]. This resolution was adopted with a broad majority and only one vote against (United States).

The *Declaration on the right to peace* adopted in April 2012 by the Advisory Committee[2] defined the essential elements of the human right to peace following the ones developed by the international civil society in the *Santiago Declaration on the Human Right to Peace*, of 10 December 2010.

Both documents identified the following essential elements: right to human security; right to disarmament; right to peace education and training; right to conscientious objection to military service; right to resistance and opposition to oppression; the duty to regulate the conduct and responsibilities of both private military and security companies and peacekeeping missions; the right to development; the right to environment; the right of victims of human rights violations to truth, justice, reparation and guarantees of non-repetition; the rights of people belonging to vulnerable groups; the rights of refugees and migrants; and the establishment of a monitoring body to control the implementation of the future Declaration which, in our view, should be a working group of independent experts on the human right to peace, to be appointed by the General Assembly.

The Chairperson-Rapporteur of the Working Group reiterated during his mandate the intention to seek consensus among States about the elements of the future Declaration. As a result, in June 2014, he submitted to the Working Group a minimum draft Declaration composed by four articles, which do not take into account none of the elements considered essential by both the Advisory Committee and the international civil society[3]. This draft Declaration would mean an unacceptable regression in connection to the Declaration on the Right of Peoples to Peace adopted by the General Assembly in 1984. It does not even recognize the existence of the human right to peace.

During the two sessions of the Working Group held to date, some developed States led by the United States refused to engage in a real negotiation in accordance with the mandate of the Working Group. Thus, during the first session, those States denied the existence of the human right to peace, since there would not be legal foundations for its recognition[4]. That position was reiterated during the second session in which, following the new approach proposed by the Chairperson-Rapporteur, those States preferred to focus the debate in the existing relationship between peace and human rights[5].

Accordingly, the resolutions adopted by the Human Rights Council on the right to peace in 2013 and 2014, showed the refusal of some developed States to negotiate a real declaration on the human right to peace, even refusing the

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[1] Res 20/15, of 5 July 2012. Adopted by 34 votes in favour (Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay), 12 abstentions (Austria, Belgium, Czech Republic, Hungary, India, Italy, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland) and one vote against (United States of America).

[2] Doc. A/HRC/20/31, of 16 April 2012.

[3] See doc. A/HRC/27/63, of 3 July 2014, Annex II. It can be considered that only two articles have an operational nature, referring in particular to the right of every person to the promotion and protection of human rights, especially the right to life (art. 1), and the duty of the States to enhance the principles of freedom from fear and want, equality and non-discrimination, and justice and the rule of law (art. 2). The other articles refer to the duty of States and international organizations to take action (unspecified) to implement the declaration (art. 3) and to its interpretation (art. 4).

[4] See the report of the first session of the Working Group: A/HRC/WG.13/1/2; General comments, pars. 18 – 29, especially pars. 21 y 23.

[5] See the report of the second session of the Working Group: A/HRC/27/63, General Comments, pars 19-26, especially par. 22

continuation of the Working Group in 2014 and 2015[6].

This situation highlights the exhaustion of the consensus approach supported by the Chairperson-Rapporteur, since the negotiation cannot proceed as long as some developed States refuse the very existence of the human right to peace.

Therefore, the undersigned CSO request the Working Group:

1. To come back to Human Rights Council resolution of 2012, which had only one vote against (United States) and resume the original mandate of the Working Group.
2. Based on a majority of States which are in favour of the human right to peace, the Working Group should initiate a real negotiation of the future UN Declaration on the basis of the declaration adopted by the Advisory Committee in 2012, which was inspired in the *Santiago Declaration* adopted in 2010 by international civil society.
3. Affirm the human right to peace as an autonomous right, deeply rooted in international human rights law. In this way it can be ensured that the future UN Declaration on the human right to peace will constitute an added value to the current international human rights law, as well as a significant progress in the promotion of peace and human rights worldwide.

*Observatorio Internacional del Derecho Humano a la Paz, Louis D. Brown Peace Institute, UN Association of the USA, San Diego Chapter (UNA-USA San Diego), Soldepaz – Pachakuti, Asociación para la Recuperacion de la Memoria Histórica de Cataluña "ARMHC", Democracy Today, Instituto de Derechos Humanos Sri Aurobindo de Madrid (IDH Sri Aurobindo), IDRP, Institut de documentation et de recherche sur la paix, Fundación Seminario de Investigación para la Paz, Fundación Internacional Baltasar Garzón, Asociación de Familias y Mujeres del Medio Rural (AFAMMER), International Federation for Peace and Conciliation, International-Lawyers.Org, FIHC Unum Omnes, Beati i costruttori di pace, Asociación Pro Derechos Humanos España, Observatorio Venezolano de Prisiones, Comisión Nacional de Derechos Humanos de la Federación de Colegios de Abogados de Venezuela, FUNPAZ, COFAVIC, Centro Internacional por la Paz CIPAZ, Acción Solidaria en VIH/Sida, CIVILIS Derechos Humanos, Sinergia, Asociación Venezolana de Organizaciones de Sociedad Civil, Instituto de Estudios Internacionales-IDEI-BOLIVIA, Plataforma por la Comisión de la Verdad, Mil Milenios de Paz, Bureau for Reconstruction and Development, CEPAZ: Centro de Justicia y Paz, Geneva International Centre for Justice, Arab Lawyers Association (UK), BRussels Tribunal, Association of Humanitarian Lawyers, Iraqi Commission on Human Rights, International Society of Iraqi Scientists, Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, International League of Iraqi Academics, General Federation of Iraqi Women, Red de Semillas Libres de Chile, Women Will Association, Association of Human Rights Defenders in Iraq, National Institution of Social Care and Vocational Training (Beit Atfal Assumoud), Italian Campaign for the Recognition of the Human Right to Peace, RET, Protecting Through Education ,Buenmundo, Fundación Suma Veritas, NGOs without consultative status, also share the views expressed in this statement.

[6] See resolution 23/16, of 13 June 2013, which calls the Working Group for a second session, adopted with the vote against of Austria, Czech Republic, Estonia, Germany, Japan, Montenegro, Republic of Korea, Spain, United States of America; and resolution 27/17, of 25 September 2014, which calls the third session of the Working Group, adopted with the opposition of Austria, Czech Republic, Estonia, France, Germany, Japan, Republic of Korea, United Kingdom of Great Britain and Northern Ireland, and the United States of America

United Nations A/HRC/28/NGO/41

General Assembly

Distr.: General
19 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-02933 (E)

1502933

Please recycle

Situation of Women in Islamic Republic of Iran

Over the last few decades, women have experienced a lot of developments. With the rise in their awareness and education levels, they have increased their capacities, and no longer can they be marginalized in political-social participation.

In Iran, as the cultural acceptance of women participation in society enhances, women's education gradually and has continually had a growth. In the 1978-79 school year the total number of university students in the country was 175,675, 30.8 percent of which were girls. The total number of state run and private sector university and higher education students for the year 1996-1997 reached 1,193,538; 38.5 percent of which were girls.

In 2000-01 the total number of university students reached 1,577,000, 47.3 percent of which were girls. In 2011 this number reached to 4,117,208 in the country, approximately 60 percent of which were girls.

The education level of women can also be assessed based on literacy level index. In 1976, the women literacy level was only 36 percent in comparison to the literacy level of men (59 percent), which shows a 23 percent gap. The literacy level of women reached 72 percent in 1996 and 81 percent in 2006, and this gap was quite notably reduced and reached 8 percent (89 percent for men and 81 percent for women). According to today's statistics the literacy level of women has exceeded 96 percent.

According to articles 19, 20 and 21 of the Iranian Constitution, race, skin color, language etc. cannot cause distinction and discrimination among the people of Iran, and all individuals of the nation including men and women are equally protected by law, and enjoy all human, political, economic, social and cultural rights, with the observation of Islamic principles. Therefore discrimination against women for entrance to university or allocating some scientific fields of study to men is contradictory to the Constitution and unjustifiable.

Furthermore, due to a number of reasons such as economic, compensation of shortage of income and increasing the purchasing power of the family, independence and safety for their future, women work in society.

As half of the population of the country, the participation of women in economic activities not only had a key role in the development of women's capacities and potentials, but also played an important role in the economic and social development of the Iranian society. Therefore half of the nation's manpower cannot be ignored. All members of society, including men and women must have equal opportunities and strong impetus to participate in economic activities, in order for a society to get developed, therefore the employment of women has a special status within the domestic Iranian laws; such as articles 3, 20, 21, 28, 29 and 43 of the Constitution and the Islamic Republic of Iran's Perspective for 2025, the Women's Rights and Responsibilities Charter, the Fourth and Fifth Development Programs, and other laws and legislations.

Women in Iran have always been present in various social and political arenas shoulder to shoulder with men. But this presence had never turned into a serious participation in social, economic and political arenas. But in the recent years with fundamental political, economic and social changes that took place in the country, women's inclinations towards technology, knowledge and entrepreneurship has increased.

The number of Iranian women active in the economy in 1986 was less than one million, the figure reached 1,630,000, 1,765,000, and in 1991 and 1996 respectively. And rose to 4 million in 2005. This increase in the number of employed women shows Iranian women's interest in working and participation in the economy side by side with men, and suitable and positive policy settings towards boosting the entrance of professional and literate workforce into the society. Because the majority of women in employment in Iran are literate. But in the years between 2006 till 2011 the number of working women dropped approximately by 900,000. This was due to the country's economic problems, and the negative effects of the unilateral economic sanctions imposed by the US and the European Union on Iran on the excuse of the country's nuclear activities.

Nonetheless, according to information published from the public census of 2011, 30 percent of working women are experts, the majority of which are working in the public and governmental sectors.

Also from another aspect, the comparison of girl post graduates and higher education centers of the country to the total of post graduates (46.5) with the ratio of professional working women to all working professionals (44.9) shows that most of the women with higher education are drawn into the employment market and a small part of them have not entered the employment market due to various reasons such as the individual's lack of interest to work, and or the person's skills not be relevant to the needs of the employment market. In other words to enter employment market, women have further need for skills and higher education and this is one of the main reasons for women's interest in going to university.

The daily increasing successes of women in various scientific, managerial and arts fields indicates self belief and the activeness of their inner capacities. Increase in the education levels of women over the past years has resulted their social participation to be of better quality.

Therefore our NGO offers the following recommendations to the country authorities for improvement of women's situation in the country:

1. Due to reasons such as extensive women presence in higher education and the budget that is spent on it, personal choices and interests in having a social presence and ultimately because women need to earn money, the authorities, including the government and the parliament must facilitate women's employment, which can be the best strategy for women's empowerment and enhanced social participation of women.

2. Women's increasing achievements in different fields of science, management and art indicates their self-confidence and realization of their potentials. Women's accomplishments in education has helped them to have a better presence in society. Along with the change of managers' views toward women, we need to make correct use of opportunities and resources to improve women's situation. We also need to consider women's issues as a common challenge and pay serious attention to women's health, hygiene and sports.

3. Solving of women's issues requires preparation of an action package and this package should include determination and development of employment opportunities, marriage, civil support, strengthening of moral relationships in the family, enhance women interest to enter society, coordination be made between government agencies in creation and support for jobs and skills and training opportunities.

United Nations A/HRC/28/NGO/42

General Assembly

Distr.: General
20 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-02983 (E)

1502983

Please recycle

Middle East Children as Victims of Armed Conflict

The alarming continuation of armed conflicts in the Middle East region, especially Iraq and Syria, has led to the violation of all human rights of civilians, especially the vulnerable groups including women and children.

Protection of children during armed conflicts is of vital importance because on the one hand, they suffer the most, due to their physical weakness and dependency on adults' protection. On the other hand, their suffering leave lasting negative effects on their mind and their bodies. In the case of abducted children, serious worries are expressed about their fate, such as the girl children abducted by IS in Iraq and Syria, or the others, kidnapped by the terrorist group in the region.

During armed conflicts children are subjected to different forms of violence, including, being victims of violence and atrocity crimes by the enemy military or being recruited as child soldiers and getting directly involved in the armed conflict.

As victims of violence, children suffer from a number of the atrocities such as unlawful killing, sexual violence, enslavement, rape, forced marriages, displacement and abduction, which have unfortunately caused the world to witness a catastrophic humanitarian crisis in in Iraq and Syria, the crimes committed by IS and associated terrorist groups.

In addition to suffering from such atrocities, armed conflict not only continued to lead to violations of children's rights to life and physical integrity, but also to deprive them of their basic economic, social and cultural rights. They cannot go to school, have limited access to food, doctors, medical care and limited access to justice. They are made homeless and are separated from their parents.

In Iraq conflicted zones, children suffer from atrocities such as forced conversion of their religion, forced marriage and die from thirst or hunger. In august, 2014, four Christian children who refused to convert their religion and say the words IS would dictate, got beheaded by the terrorists[1]. Also, according to the released news, girls from Iraq's Yazidi minority have been raped, sold into sexual slavery and abused by IS[2]. In August 2014, about 40,000 minority members[3]remain trapped on Mount Sinjar which became a graveyard for their children. According to a UNICEF representative[4]their children who were completely cut off, suffering from hunger and thirst died on the mountain and on the roads.

Those who have survived and managed to escape the terrorist attacks, are suffering from poor living conditions in camps, while the cold of the winter exacerbate the hardship.

Unfortunately, violence against children is not limited to Iraq and Syria region, it is witnessed in other parts of the world, for example, during the 50-day conflict between Israel and Palestinian militants in 2014 more than 500 Palestinian children lost their lives[5], and among the 11000[6] injured civilians there were many children.

Another form of violation of children's rights during armed conflicts is recruiting them as soldiers. Many child soldiers end up in detention where they suffer from various forms of violence, such as torture, summary or arbitrary execution or receive imprisonment sentences without due process of law.

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[1] www.dailymail.co.uk/.../Four-young-Christians-brutally-beheade...

[2] www.nbcnews.com/.../isis-raped-sold-yazidi-women-girls... ; http://www.nbcnews.com/news/world/isis-raped-sold-yazidi-women-girls-sex-report-n273716

[3] http://www.theguardian.com/world/2014/aug/07/40000-iraqis-stranded-mountain-isis-death-threat

[4] http://www.washingtonpost.com/world/iraqi-yazidis-stranded-on-isolated-mountaintop-begin-to-die-of-thirst/2014/08/05/57cca985-3396-41bd-8163- 7a52e5e72064_story.html

[5] https://www.middleeastmonitor.com/news/middle-east/13680-unicef-israel-killed-500-children-in-gaza

[6] http://www.worldbulletin.net/news/152139/palestinian-fisherman-injured-israeli-forces-enter-gaza

This is while, according to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, no child under 18 should be allowed to participate in armed hostilities.

Many children are abducted and beaten into submission, others join military groups because of having no other options. They want to escape poverty, defend their communities or fulfil a feeling of revenge. Children make better soldiers as they are manipulated more easily than adults and can be indoctrinated to perform crimes and atrocities without asking questions. However, being involved in armed conflicts, leave negative impacts on their lives. Their needs as children are forgotten and they are blamed by their communities for getting involved in atrocities.

In Syria conflict, children are increasingly used in armed combat roles, dragged into the conflict and exposed to extreme violence at an alarming rate.Over 5 million children have been impacted by the Syrian conflict[7]. According to Laurent Chapuis, UNICEF's regional child protection adviser for the Middle East and North Africa, children have been used as combatants, human shields, messengers, spies, guards and porters, sometimes manage checkpoints and maintain weapons. Underage Syrian girls have been forced to wed foreign fighters.

In some cases fathers bring children to join the IS. They attend schools in which they learn how to kill, behead or become suicide bombers. While, in some other cases, ISIS militants have altered local school curricula to fit their strict ideology and recruited boys for training camps and religious camps without the consent of their parents. The ISIS have been able to use social media and video propaganda to influence foreigners, including boys and girls, to follow their cause. IS boasts about its capacity to recruit child soldiers and is proud about it.

Children's involvement in armed conflicts, has devastating long lasting effects on their lives, and in most cases child soldiers need to attend rehabilitation programs. In addition, it is very difficult to prosecute child soldiers for war crimes and crimes against humanity given their dual status as both victims and perpetrators, so governments are urged to make attempts to prevent any sort of child involvements in conflicts, specially recruitment of children as soldiers.

Considering the fact that the Optional Protocol to the Convention on the Rights of the Child regards recruitment of child soldiers as war crime, and the notorious effects of war on child victims, Organization for Defending Victims of Violence (ODVV) offers the following recommendations to ensure more child protections in conflicted regions:

States are recommended to criminalize under-age recruitment, and prosecute and investigate perpetrators.

States, NGOs, the elite, including the religious leaders, the civil society actors and schools are urged to raise awareness about child protection at community level, describing the bitter consequences of recruiting child soldiers.

States and the civil society are urged to address the root causes of 'voluntary' recruitment, such as poverty, social grievances and survival, and provide children with alternatives to enrolment.

After the conflict, States are encouraged to run reintegration programs for child soldiers in order to integrate them into their families or community.

States are encouraged to provide alternative accountability mechanisms to prosecution and trial in a criminal court for former child soldiers and ensure that where a child is tried in a court, juvenile justice standards apply.

States are reminded of the fact that children must be among the first to receive protection and relief.
Children must be respected and protected against any form of indecent and assault.

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[7]http://www.worldvision.org/sites/default/files/Syria-Crisis_Education-Interrupted_Dec-2013.pdf
http://www.savethechildren.org/site/c.8rKLIXMGIpI4E/b.7998857/k.D075/Syria.htm?nsource=weolpsrc4v12

United Nations A/HRC/28/NGO/43

General Assembly

Distr.: General
20 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-02987 (E)
1502987

Please recycle

Syrian Golan Heights; Sheer Violations of Human Rights by Israel*

Internationally recognized as Syrian territory, the Golan Heights has been occupied and administered by Israel since 1967. It was captured during the 1967 Six-Day War, establishing the Purple Line. In the aftermath of the 1973 Yom Kippur War, Israel agreed to return about 5% of the territory to Syrian civilian control. This part was incorporated into a demilitarized zone that runs along the ceasefire line. This strip is under the military control of UN peace keeping forces. Construction of Israeli settlements began in the remainder of the territory held by Israel, which was under military administration until Israel passed the Golan Heights Law extending Israeli territory in 1981. That was a clear one-sided annexation of occupied territories of Syria to Israel. This region includes the western two-thirds of the geological Golan Heights, as well as the Israeli-occupied part of Mount Hermon (Jabal Haramun).This move was condemned by the United Nations Security Council in UN Resolution 497, which said that "the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is null and void and without international legal effect." Israel asserts it has a right to retain the Golan, citing the text of UN Resolution 242, which calls for "safe and recognized boundaries free from threats or acts of force". However, the international community rejects Israeli claims to title to the territory and regards it as sovereign Syrian territory.

In recent years we have witnessed violations of international will by Israel army in the said region as air strikes, assassination, seizing natural resources etc. The last clear Israeli violation series performed in 17 Jan 2015 by an Israeli aircraft which fired two missiles in the Syrian province of Quneitra near Golan Heights just in front of UN peacekeepers station (UNDOF) in this region which left 6 people dead and a child wounded. Quickly after this terrorist attack, the United Nations Disengagement Observer Force in the Golan Heights released an official statement in 18 Jan 2015 describing its troops' witness accounts of the incident. According to the statement, the observers saw two unmanned aircraft coming in from the Israeli side of the border and crossing the demilitarized zone at UN position number 30 near the village Masada in the northern Golan Heights. "This incident is a violation of the 1974 Agreement on Disengagement between Israeli and Syrian forces," the UN said in its statement soon after the UNDOF statement and report released.

We as a NGO would like to express our worries about the serious threat of Israel not only to Syrian civilians in Golan but also to UN peacekeepers in that region.

Therefore, the following recommendations are offered to the Human Right Council:

- Reviewing the Golan situation after 1974 Agreement to rewrite a practical strong text.
- Forming a Fact-finding committee for recent terrorists attack and all previous violations of Israel in Golan specially Quneitra.

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*Neda Institute for Scientific and Political Research, a NGO without consultative status, also share the views expressed in this statement.

United Nations A/HRC/28/NGO/44

General Assembly

Distr.: General
20 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the International Educational Development, Inc., a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-02989 (E)
1502989

Please recycle

Abuse of migrant workers and returned defectors by the Democratic People's Republic of Korea

International Educational Development, Inc. and the Association of Humanitarian Lawyers have monitored the situation in the Democratic Peoples' Republic of Korea (DPRK) for many years.[1] We have welcomed the actions undertaken by the Council, including the work of the special rapporteurs and the appointment of the Commission of Inquiry (COI). Investigations indicate the existence of atrocious human rights violation occurring in the DPRK.

We first address the actions undertaken by the DPRK against its citizens that take place outside of the territory of the DPRK – people who are deployed by the government to work in other countries. This practice has taken place for many years and the rights of these workers are severely violated.[2] Despite the severity of these abuses efforts to end it have been largely inadequate or even non-existent. It is important that the international community recognizes and responds to this situation.

A major cause of this situation is the imposition of and then strengthening sanctions against the DPRK for its refusal to improve human rights conditions and to cease nuclear development. As a result there is a serious foreign currency outflow from the country. In a concerted effort to recoup rapidly out-flowing foreign currency, the DPRK is sending its citizens abroad to work, but they actually are "state-sponsored slaves."[3] According to defectors' groups, it is estimated that there may be as many as 65,000 North Koreans abroad, mainly working in Russia, China, Mongolia and the Middle East.[4] Labor conditions are appalling enough in these States without the added impositions required by the DPRK for its workers in them.

North Korean workers are forced to do hard labor that even natives evade, while under conditions that fall far short of basic worker safety standards. Moreover, North Korean workers are an exception to the typical work hours that are applied to deployed laborers from other foreign countries and work far longer hours. Despite such poor working conditions, North Korean workers are expected to be more productive than normal and without full compensation as the authorities of the DPRK takes a large cut of the pay as "taxes."

A typical worker works up to 16 hours a day while being barred from any contact with the local people.[5] Such measures stem from fears of the authorities of the DPRK that their workers will see the reality of the outside world and be influences by both capitalistic and democratic influences. As almost all of the money workers earn is remitted back to the DPRK, workers have little money to purchase goods from the host countries and be able to compare them with goods in their own country. In some situations, workers are only allowed to keep 10% of their wages."[6]

In its 2014 Trafficking in Persons Report, the US State Department criticized the treatment of foreign workers sent to earn foreign currency by the DPRK. The report verified that Korean Workers were subject to forced labor, their movements and communications conducted under surveillance, and that they face threats of government reprisals if they attempt to escape or complain. It stated "[w]orkers' salaries are deposited into accounts controlled by the North Korean government, which keeps most of the money … workers only receive a fraction of the money paid to the North Korean government for their work."[7] While gratifying that the United States has recognized the problem and has taken steps to criticize the government of Democratic People's Republic of Korea, it is time for the international community as whole to undertake effective measures to end this form of slavery.

The problem with North Korean defectors also demands attention from the international community as their rights are violated by receiving countries and then severely abused when involuntarily repatriated: returned defectors face prison camps and even the death penalty. The number of defectors is dramatically increasing, and concerted action is sorely needed.

According to Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, infrastructures to help defectors reintegrate into South Korean society has been established in Republic of Korea (ROK). Such

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[1] Association of Humanitarian Lawyers researcher Jisoo Hyun assisted in the preparation of this document.

[2] Database Center for North Korean Human Rights, "Human Rights Conditions of North Korean Migrant Workers."

[3] Pattisson, Pete, "North Korean working as 'state-sponsored slaves' in Qatar." *The Guardian*, November 7, 2014. http://www.theguardian.com/global-development/2014/nov/07/north-koreans-working-state-sponsored-slaves-qatar

[4] Pattisson, Pete, *Idem.*

[5] Shin, C., & Go, M. (2014). Beyond the UN COI Report on Human Rights in DPRK. *The Asian Institute for Policy Studies.*

[6] Pattisson, Pete, *Idem*

[7] Pattisson, Pete, *Idem.* For the full report, see U.S. Department of State, *Trafficking in Persons Report 2014.*

efforts provide an optimistic sign for the future of defectors' human rights, and should be actively encouraged. On the other hand, the People's Republic of China (PRC) continues forced repatriation of defectors that cross its border. Recently held meetings between Minister of National Defenses of the PRC and the ROK is to be welcomed and hopefully will lead to ameliorating relations between the two countries that, hopefully, will ameliorate the situation of defectors.

Recommendations:

1. The Council should call upon the government of Democratic People's Republic of Korea fully to comply with all international laws regarding workers' rights both at home and for workers sent to other countries.

2. All governments accepting workers from the DPRK should grant them all the rights provided for under international law and should refrains from complying with conditions imposed by the DPRK. Governments that host North Korean workers should enforce their domestic labor law to North Korean laborers.

3. The mandate holders on the issue of migrant workers and contemporary forms of slavery should be invited to join with the Special Rapporteur on the DPRK to look into this situation and to make suggestions regarding how to stop the practices.

4. The DPRK should abolish all abuse of returned defectors and afford them their full human rights.

5. All governments should endeavor to protect the rights of defectors from the DPRK.

United Nations A/HRC/28/NGO/45

General Assembly

Distr.: General
20 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 9
Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03035 (E)
1503035

Please recycle

Xenophobia: Rise in Islamophobia

The recent terror attacks in France cannot be justified for any reason whatsoever. Killing of innocent people no matter under what circumstances is without a doubt condemnable.

The roots of today's hardline Islamic extremism can be traced back to the 1990s with the turning of Al-Qaeda against its original ally and sponsor the United States of America. The 1993 World Trade Centre bombing, the 1998 bombings of US embassies in Kenya and Tanzania, and the suicide attack on USS Cole, are all proofs to the claim.

The turning point in the fight against this new more dangerous and ruthless phenomenon was September 11, 2001 in which almost 3000 people lost their lives in North Eastern United States.

The ensuing war against Taliban in Afghanistan and the 2003 invasion of Iraq on the pretext of WMD, has arguably done little to prevent the rise of Religious extremism, although the Taliban were overthrown and were degraded notably alongside Al-Qaeda, in recent years we have witnessed a surge in their comeback, and now we see breakaway offshoots of Al-Qaeda such as IS, which even Al-Qaeda has criticized its methods.

With the Arab spring's disastrous failures in some countries and successes in others, the geopolitical situation of the MENA region has been thrown into turmoil. The sectarian violence in Libya has forced the government and parliament to flee from the capital to Tobruk, and in Syria a bloody conflict has been raging for over three years with over 250,000 people killed.

The conflict in Syria and Iraq has attracted Western born and raised extremists to go to the region and join the fight, from the United Kingdom, France, Germany, Belgium and other European countries and even the United States. These young people become radicalized and battle hardened witnessing and even at times carrying out brutal killings, and upon their return to their home countries they feel even more isolated and hatred towards the West.
The Toulouse, Belgium and Paris attacks over the recent months were conducted by second or third generation children of North African Immigrants. The question that must be asked is what drives these young men and women towards radicalism.

These individuals feel marginalized by society and their governments, they have poor education, are either unemployed or not holding steady jobs, and most of them have had a brush with the law for petty crimes.

Another cause for the recruitment of this vulnerable group of society is the Jihadi internet websites and some extremist imams.

All the abovementioned has increased and spread the feeling of Xenophobia and Islamophobia among western nations. Extremist far right groups which prior to 9/11 were fast losing popularity and support have now found themselves becoming more popular winning seats in national assemblies and even the European Parliament.

Over the last ten years religious extremism, some European newspapers and magazines started publishing cartoons of the Prophet of Islam, Mohammad. And in Holland the descendant of Vincent Van Gogh made a documentary on the alleged treatment of women in Islam. Subsequently Theo Van Gogh was murdered by a man of North African descent who claimed he did it for the defense of Islam. The publication and republication of cartoons by other European papers led to mass protests in most Islamic countries.

Religious extremism in all religions and forms are strongly condemnable. Boko Haram continues to commit heinous crimes in Nigeria in the name of Islam, an Islam which is not the true Islam which has a following of over 1.5 billion people on Earth. And to prove the point that the majority of Muslims care for their fellow human beings no matter what race or religion, we remind that the staff member who saved some people in the Jewish Kosher supermarket by hiding them in a freezer was a Muslim from Mali.

Articles 18 and 19 of the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights reaffirm freedom of religion and freedom of expression respectively, article 19 3(a) of the ICCPR however goes further on calling for "respect of the rights and reputation of others."

In March 2009 the Human Rights Council adopted Resolution 7/19 on Combating Defamation of Religion, sadly however this resolution is not binding.

Freedom of expression is never absolute, not even in the most democratic and liberal countries. No matter where you are; you cannot scream "fire" in a packed movie theatre, because of the panic and the stampede and possible injuries that it will cause.

The Organization for Defending Victims of Violence (ODVV) strongly condemns the hijacking of religion for sick and twisted political agenda by terrorists. These terrorists are not real Muslims. Real Islam does not preach barbarity. It preaches peaceful coexistence and tolerance.

Freedom of expression cannot be absolute. Insulting and defamation of any religion is morally wrong. While expressing its deepest sympathies to the families of the victims of the Paris terrorist attack, the ODVV also regrets the publication of the Prophet of Islam's cartoon on the front page of the Charlie Hebdo's first issue following the attack.

Authors and editors in the West must seriously consider the consequences of their actions in the world of Islam. The ensuring protests some of which led to violence, death and destruction of religious places of worship (Niger) in some Muslim countries should be on the conscience of these editors.

As always, the ODVV insists on an international forum to be held on Dialogue and Understanding among Religions. The ODVV and other Iranian sister NGOs are ready, willing and capable in assisting the holding of such venue. Education after leaving the family, is an important part of the things that makes us become human beings in adulthood. It is necessary for children to learn and understand other cultures and religions, and education boards in all countries should design special classes in schools just for that.

Mutual respect between minorities and majorities is key for multiculturalism to work. At the same time Western countries must respect the culture and religion of their minorities and not forcefully make them change their way of life. Mutual respect and understanding must take place.